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LABOUR LEGISLATION IN CANADA

A Historical Outline of the Principal Dominion and Provincial Labour Laws

AUGUST, 1945

LEGISLATION BRANCH
DEPARTMENT OF LABOUR OF CANADA
OTTAWA

Reprinted, with some revision, from Health, Welfare and Labour, Reference Book for Dominion-Provincial Conference on Reconstruction, August, 1945. The statutes and regulations dealt with in this article are peace-time measures. Except in the section concerning industrial disputes, little attention has been given to such wartime regulations as the relaxation of hours of labour, etc.

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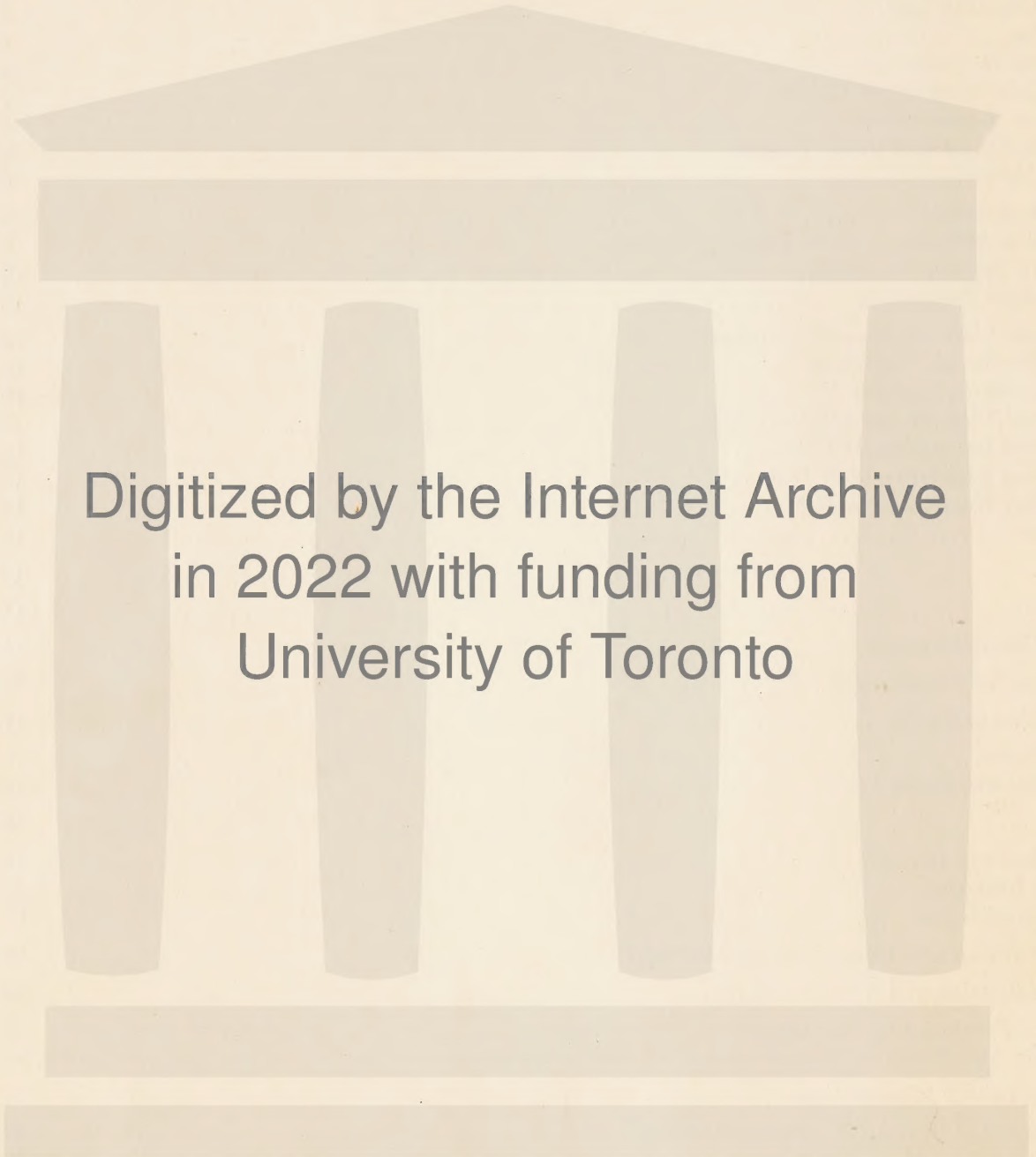

CORRECTION:

On p. 17, col. 1, para. 5, the words "except during school holidays" should be struck out of para. re Prince Edward Island.

On p. 25, col. 1, para. beginning Prince Edward Island, all words after "particulars" should be struck out.

LABOUR LEGISLATION IN CANADA

Laws for the protection of employed persons were enacted first in England. The need for legislative action became apparent on the introduction of the factory system, when men, women and children were brought together to work under direction on the employer's premises and not as before in their homes or side by side with the employer in small workshops. Statutes, long obsolete, had governed apprenticeship and provided for the regulation of wages but early in the nineteenth century the attention of Parliament was drawn to conditions surrounding the employment of women and children, particularly in cotton mills. After some cautious legislative experiments, three Acts were placed on the statute-book:

(1) a law of 1824 which permitted workpeople to form trade unions in order to raise wages;

(2) the Factories Act, 1833, which prohibited the employment of children under nine years of age in textile mills (a limitation placed on cotton mills in 1819), restricted the hours of work of children under 13 to nine in a day and forty-eight in a week and the hours of young persons between 13 and 18 to 12 in a day and 69 in a week, and, not least important, provided for a system of government inspectors to ensure the enforcement of these and other provisions;

(3) an Act of 1842 which forbade the employment of boys under 10, and of women and girls underground in mines.

Thus began the gradual development of the regulation of conditions of labour by laws amended from time to time to impose higher standards with respect to child labour, the hours of work of women and young persons, the health and safety of workers in factories and mines and in trades involving special hazards, as well as by one enactment after another to protect persons employed in other work-places.

Side by side with this gradual extension of the statutory control of conditions of work developed the voluntary regulation of labour conditions, including wages and hours of labour of men, by means of collective agreements between employers and trade unions. By slow stages trade unions were placed by the law in such a position that they were able freely to function and to secure agreements with employers over an ever-broadening field of industry. In 1871, members of all trade unions were freed from criminal liability under the law on conspiracy in restraint of trade, and unions were enabled to protect their property in the Courts. In 1906, they were freed from the civil law of conspiracy and from liability to actions for torts. Granted also was the right of peaceful picketing. Unlike most European countries, Britain has no legislation governing collective agreements or making them enforceable at law as between the parties.

1. DIVISION OF RESPONSIBILITIES

Certain labour laws have been enacted by the Parliament of Canada, others by the provincial legislatures. The proper legislative authority in each case is determined by the British North America Act which distributes legislative powers between the Dominion and the provinces.

Section 92 of the British North America Act confers on the provinces exclusive legislative power in relation to, *inter alia*, Property and Civil Rights in the Province, Municipal Institutions, and Local Works and Undertakings with the exception of transport and communication agencies extending beyond the bounds of any province and such works within the province as may be declared by the Parliament of Canada to be for the general advantage of Canada or of two or more provinces. Education is also a matter for the provinces.

To the Federal Parliament, power was given to enact laws concerning, *inter alia*, Trade and Commerce, Navigation and Shipping, the Criminal Law, and Local Works and Undertakings expressly excepted from those assigned to the provinces. In 1940 Unemployment Insurance was added to the Dominion powers.

In addition, Parliament was empowered to make "laws for the Peace, Order and good Government of Canada in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces". It is under the authority of this clause that Parliament enacted the War Measures Act, 1914, giving to the Dominion Government power to take any steps considered necessary for the security, order and welfare of Canada in wartime.

"Protective" labour legislation, that is, legislation safeguarding the workers in mines, factories, shops and so on, is, generally speaking, law in relation to civil rights. It imposes conditions on the employer's and workman's free right of contract. A contract of employment, of course, can be made only in accordance with the terms imposed on it by the law. Thus, statutes stipulating that children may not be hired, that women and young persons may be employed only under specified conditions, that hours of work must be within fixed limits, that minimum wages and workmen's compensation must be paid, or that there may be no stoppage of work, all these are laws in relation to the contract of employment and so can be enacted only by the provinces, unless such provisions are merely incidental or are necessary to the valid exercise by the Dominion Parliament of its legislative powers.

Further, in general, freedom of association is a civil right. Legislation restricting or forbidding interference with that right must be provincial except where the objects of association are such as to bring it within the ambit of the criminal law. Trade unions were for some

years regarded as criminal conspiracies, and some of their activities, such as picketing, have been considered criminal. In such respects, they are subject to the power of Parliament to enact criminal law. Thus trade unions, as voluntary associations governed by their constitution and by-laws, in other words, by the contracts between their members, may be regulated by provincial statutes relating to the civil rights of association and of contract but they are also the subject of enactments by the Parliament of Canada.

Co-operation between the Dominion and the provinces has enabled the Federal Government to assist in making more effective certain measures which in themselves are matters for the provincial legislatures. Of labour interest were such joint schemes as those authorized for unemployment relief, public employment offices between 1918 and 1940, vocational education and youth training and for the broader application of the Dominion Industrial Disputes Investigation Act. Joint action has facilitated, too, the administration of certain wartime measures, for example, the Wages Control Order and the Labour Relations Regulations.

2. TRADE UNIONS

Early Canadian Law

The first labour law enacted by the Parliament of Canada after Confederation was a section in a statute of 1869 relating to offences against the person copied from an English consolidating Act of 1861. This clause was repealed in Britain in 1871 when trade unions were legalized and the Criminal Law Amendment Act was passed to guard against intimidation in labour disputes. In Canada, as Section 502 (1) of the present Criminal Code, it declares liable to imprisonment any person who, in pursuance of any unlawful combination or conspiracy to raise the rate of wages or respecting any trade or business or any person concerned or employed therein, unlawfully assaults any person or uses any violence or threats of violence to any person with intent to hinder him being employed at such trade.

Three years later, Parliament freed trade unions from liability to prosecution as criminal conspiracies on the ground that they were in restraint of trade. In March, 1872, printers in Toronto and other Ontario cities who had struck for a nine-hour day were imprisoned on a charge of conspiracy. The law of England against combinations of workmen as it had been in 1792 was part of the law introduced into Upper Canada in that year and was still the law in Ontario. None of the English statutes to protect unions of 1824, 1825 and 1859 was in force in Ontario. In any event, in the opinion of the employers' counsel, none of these English laws legalized combinations to induce persons to leave work before the end of the term for which they were hired or to quit work before it was finished or to refuse to enter into employment. Moreover, breach of contract was still punishable by imprisonment.

Parliament, in session at the time and roused into action, found a ready remedy. The English Trade Union Act, 1871, and its companion, the Criminal Law Amendment Act of the same year, were, with some important changes in the former, made law in Canada in June, 1872.

The Trade Unions Act, 1872, declared the purposes of a trade union, merely because they were in restraint of trade, not to be unlawful so as to render any member of a trade union liable to criminal prosecution for conspiracy or otherwise. The entire Act, unlike its English model, applied only to unions registered under its provisions, but on the incorporation of this provision in the Criminal Code of 1892, it became of general application.

The Criminal Law Amendment Act, 1872, like the English Act of 1871, was unsatisfactory to the workpeople. In England, trade unions were increasing rapidly in spite of numerous convictions for conspiracy and picketing. Under this statute, a strike was perfectly legal; but if the means employed were calculated to coerce the employer, they were illegal means and a combination to do a legal act by illegal means was a criminal conspiracy. Thus, although under the Trade Union Act, a strike was no longer a conspiracy in restraint of trade, it might amount to conspiracy at common law to molest an employer or to prevent him carrying on his business.

Changes made in the Canadian law in 1875 and 1876 followed fairly closely the amendments enacted in Britain in 1875. The English Conspiracy and Protection of Property Act, 1875, stipulated that a combination by two or more persons to do or procure to be done an act, in contemplation or furtherance of a trade dispute, would not be indictable as a conspiracy unless such act, committed by one person, was punishable as a crime. Trade unionists in England had nothing to fear in future from the law of criminal conspiracy and no change has been made in this section.

In Canada, it was a different matter. The Canadian statute stipulated, as regards conspiracy, that a person could not be prosecuted for conspiracy to do any act, or to cause any act to be done for the purposes of a "trade combination" unless the act was an offence *indictable* by statute or punishable under the 1876 Act itself. A "trade combination" was defined as

> any combination between masters or workmen or other persons for regulating or altering the relation between any persons being masters or workmen, or the conduct of any master or workmen in or in respect to his business or employment, or contract of employment or service . . .

When the statutes were revised in 1886 for the first time since Confederation, Section 4 of the Act of 1876 was altered to except from the immunity conferred by the Act all acts *punishable* by statute.

A further amendment in the section was made in 1890 following the conviction of certain Hamilton bricklayers who struck in 1888 against working with a non-unionist. No person is now liable to prosecution "for conspiracy in refusing to work with or for any employer or workman".

PICKETING

The succesful conduct of a strike depends, according to trade unionists, on the freedom of the strikers to inform other workers and the public of the circumstances of the strike with a view to preventing the employer replacing the strikers and so carrying on his business. To this end, pickets are placed about the "struck" workplace.

The English and Canadian amendments in the criminal law in 1871 and 1872, respectively, made it an offence to "molest or obstruct" a person with a view to

coercing such person to cease or abstain from work or to belong or not to belong to a trade union or to alter the mode of carrying on his business. A person was to be deemed to molest or obstruct another, if, *inter alia*, he watched or beset the place where the latter resided or carried on business.

After some tentative changes in 1875, the Canadian section was amended in much the same manner as the English in the preceding year. This section of the criminal law was redrawn, the words "molest" and "coerce" were omitted and a qualifying clause was added to except certain acts from "watching or besetting". It was stipulated that

> "attending at or near or approaching to such house or other place as aforesaid, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section."

The English and Canadian statutes concerning picketing in 1876 differed, however, in one particular. The accused in England, by the Act of 1876, had the option of trial by jury. In Canada in 1905 Parliament inserted a phrase expressly declaring that the accused had the option of trial by jury.

Again, revision of statutes in Canada resulted in a change in the law. When the criminal law was codified in 1892, the qualifying clause attached to the picketing section was omitted. It was re-enacted in 1934 and at the same time Parliament struck out the words "at the option of the accused".

New statutes in Britain in 1906 and 1927 have brought about further differences between the law concerning picketing in Britain and Canada. The former extended legal picketing to cover not only "peacefully obtaining or communicating information" but also "peacefully persuading any person to work or abstain from work". It also amended the civil law of conspiracy by removing from trade unions liability for damages for conspiracy to coerce or injure an employer by interfering with his business. The Act of 1927 declared illegal any strike which has any other object than a furtherance of a labour dispute in the industry in which the strikers are employed *and* which is calculated, and can reasonably be expected, to coerce the Government, either directly or by inflicting hardship on the community. As regards picketing, the 1927 statute made "attending" near a place of business illegal if the pickets attended in such numbers or otherwise in such manner as to be calculated to intimidate any person or obstruct the entrance to or egress from such business premises.

RESTRAINT OF TRADE

The belief that trade unions were criminal conspiracies in restraint of trade grew up towards the middle of the nineteenth century. Its effects and the remedial action taken have been described above, but the common-law doctrine that undue restraint of the free course of trade is unlawful affected also the civil rights of trade unions. Unions with rules for calling out their members on strike, for fining and expelling members and so on, were considered to be restraining trade and therefore unlawful at common law to the extent that they were unable to seek redress from the Courts for wrongs or to secure assistance in enforcing their contracts and protecting their property.

The Canadian Trade Unions Act, 1872, reproduced the civil provisions of the English Act of the preceding year but limited them to unions registered under the Act. Most unions in Canada are unregistered and thus these provisions were largely abortive. So the disability of unions at common law persisted except in those provinces in which later legislation expressly legalized unions or dealt with them in such a way as to indicate clearly the Legislature's intention that they should be considered "lawful" associations in that sense.

In addition, the Canadian Act, like its English model, was declared to apply only to a union which would, but for the Act, have been deemed to be unlawful on the ground that its purposes were in restraint of trade. Since not all unions have rules which can be regarded as restraining trade, and since it was necessary to show that the objects of a union were unlawful in that sense before a union could be registered under the Act, this restriction was removed in England in 1876.

Moreover, the civil provisions of the Canadian Act, it was suggested by several judges between the years 1923 and 1930, were an invalid enactment of Parliament as legislation in relation to civil rights.

Ontario was one province which had no statute covering trade unions and in which the common-law doctrine applied. Accordingly, the Ontario Collective Bargaining Act, 1943, stipulated that "a collective bargaining agency", a much broader term than "trade union", should not be deemed to be unlawful by reason only that one or more of its objects were in restraint of trade. On the repeal of the 1943 statute, this provision was incorporated in the Rights of Labour Act, 1944.

Alberta and Saskatchewan followed Ontario's lead in 1944, Alberta inserting a similar provision in the Industrial Conciliation and Arbitration Act and Saskatchewan in the Trade Union Act.

CIVIL LIABILITY OF TRADE UNIONS

Trade unions in the common-law provinces of Canada have, from time to time, been sued for damages for wrongs done to others. As unions are, for the most part, unincorporated associations, an action must be brought against all the members through properly chosen representatives.

Designed particularly to free trade unions and their officers from liability to damages for the acts of their members in connection with a labour dispute, which were not authorized or concurred in by the officers or by a majority vote of the members, the British Columbia Trade Unions Act of 1902 was the first provincial statute in Canada relating to trade unions. Like the British Trade Disputes Act, 1906, it was intended to correct a situation revealed by a judgment awarding damages and an injunction against a union, but unlike the British Act, it did not amend the law of conspiracy by prohibiting actions for damages on the ground of conspiracy to injure. The British Columbia Act stipulated, further, that a union and its officers could not be enjoined from, nor held liable in damages for communicating or publishing facts or for mere persuasion of others, without threats, in connection with a strike. This statute appears to have come before the Courts only twice. In both cases, on an equal division of the Supreme Court of the province, the trial court's judgment against the defendants

was affirmed. Both were picketing cases, one an action for damages and the other a prosecution under the Criminal Code.

Manitoba enacted somewhat similar provisions to those of British Columbia in 1919 but they were not put in effect.

In 1944, the Ontario Rights of Labour Act and the Saskatchewan Trade Unions Act amended the civil law of conspiracy in the same manner as the British Act of 1906. No act done by two or more members of a trade union is actionable, if done in furtherance of a trade dispute, unless the act would be actionable if done without such combination.

Under Quebec civil law, no provision is made for a representative action. An unincorporated association cannot appear, and its officers have no capacity to represent it, before the Courts. This opinion was affirmed by the Supreme Court of Canada in 1930 in a case involving an "international union". But, in 1924, Quebec had provided in the Professional Syndicates Act for the incorporation of unions of which the officers and two-thirds of the members are British subjects. Thus, "professional syndicates", that is, most of the National Catholic Unions, could sue and be sued but no suit could be brought against other unions.

In 1938, the Quebec Legislature enacted what is now called the Special Procedure Act. This statute enables an action to be brought against any unincorporated association, which is not a partnership, formed to secure any "industrial, commercial or professional" advantage for its members, by summoning one of its officers or by suing the association under its ordinary name.

FREEDOM OF ASSOCIATION

In the late thirties, several provinces placed on their statute-books laws to promote trade unionism. Statutory recognition of the freedom of workpeople to join trade unions for purposes of collective bargaining was accorded before the war in all provinces except Ontario and Prince Edward Island. In 1943 and in 1945, respectively, the Ontario and Prince Edward Island Legislatures declared the right of workers to organize and bargain collectively.

When business began to expand after 1933, the unions undertook an active organizing campaign. They were encouraged by the enactment in the United States in 1933 of the National Industrial Recovery Act containing provisions intended to promote collective bargaining and in 1935 of the Wagner National Labour Relations Act. The latter safeguarded the right of the workpeople to join unions and required employers to negotiate with them.

Accordingly, when the Canadian unions encountered strong opposition from employers, they demanded a statute not only declaring freedom of association but also making it an offence to interfere with the exercise of this right. A bill prepared by the Trades and Labour Congress was enacted, with some additions, in 1937 in Nova Scotia and in 1938 in Saskatchewan. Incorporated in statutes designed to settle disputes between employers and employed, provisions of a somewhat like nature became law in 1937 in British Columbia, Manitoba and Quebec, and in 1938 in Alberta and New Brunswick. The Ontario Collective Bargaining Act, 1943, and the Prince Edward Island Trade Union Act, 1945, included clauses to the same effect.

In all these provinces except Manitoba, it was made illegal to make it a condition of employment that a worker shall not be a member of a union. Moreover, it is an offence to dismiss or threaten to dismiss an employee or impose any pecuniary penalty on him with a view to preventing him becoming or continuing to be a member of a trade union.

The Dominion Government, at first, took the position that Parliament had no power to enact a law concerning the civil right of association. In 1939, however, Parliament added a section to the Criminal Code (Sec. 502A) making it an offence for an employer "wrongfully and without lawful authority" to dismiss, or threaten to dismiss, a workman for the sole reason that the latter is a member of a lawful trade union. Considerable difficulty was found in presenting satisfactory evidence that the employer's action in any case was due solely to the workman's membership in a union. However, in a Quebec case in 1942, the Court of King's Bench upheld a conviction, taking the view that the "sole" reason was the "determining" reason.

Meantime, by Order in Council in June, 1941, under the War Measures Act, the Dominion Government had supplemented the machinery of the Industrial Disputes Investigation Act, which at that time applied to war industries, by providing for the appointment of commissioners to enquire into disputes with a view to composing them without recourse to the more formal I.D.I. boards. In particular, the Minister was authorized to direct inquiry into any charge of dismissal or discrimination on the ground of union membership or activity and to issue any order he considered necessary to give effect to the recommendations of the commissioner. A penalty could be imposed, under an amendment of May, 1943, on any person refusing to obey such an order.

The Dominion Wartime Labour Relations Regulations, 1944, make it an offence to insert in a contract of employment a condition restraining a workman from becoming or continuing to be a member of a trade union or to seek, by dismissing or threatening to dismiss or by any other threat, to compel an employee not to continue his union membership or activity.

RETURNS REQUIRED OF TRADE UNIONS

Certain information is, or may be, required by the Government from trade unions by the law of the Dominion and most of the provinces.

The Dominion Trade Unions Act requires a union which has registered under its provisions (registration itself is merely permissive) to furnish each year the names of the officers and changes in rules, together with a statement of the receipts and expenditures in respect of its different objects and its assets and liabilities at the time. Members of the union may receive a copy of this statement on application to the union.

Further, the Dominion Wartime Labour Relations Regulations, 1944, authorize the Labour Relations Board to require any employers' organization, trade union or employees' association which is affected by an application for certification of bargaining representatives or by an existing collective agreement to file with the Board a copy of its constitution and by-laws and the names of its officers. Every employers' organization, trade union and employees' association must furnish its members with an annual statement of its income and expenditure.

The provincial laws do not provide for "registration" but every trade union in Alberta, British Columbia, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan must furnish the Government with a copy of its constitution and by-laws and the names of the officers. In New Brunswick, this information and an annual financial statement must be submitted when required. In Alberta, also, a statement may be required of the union's financial position. In Nova Scotia and Prince Edward Island, such a statement must be filed annually. The Quebec Labour Relations Act, 1944, requires a statement of initiation fees and any assessments levied on the union members and, as in British Columbia, a copy of any collective agreement. The Prince Edward Island Trade Union Act, 1945, stipulates that the treasurer of a union must be bonded and have his accounts audited by a chartered accountant named by the union. In Ontario, the Act of 1943, now repealed, required certain returns to be made.

UNION LABELS

Legal protection was given by the Parliament of Canada in 1927 to labels affixed to articles to indicate that the latter were manufactured under working conditions determined by collective agreement between the manufacturer and the union. The Trade Mark and Design Act was amended to prohibit the use of a union label by any person, company, or union other than the union registering the label with the Dominion Secretary of State. In 1938, similar protection was given to union "shop cards". These are cards displayed in work-places, such as barber-shops, restaurants and other places, where union members give service to the public under conditions of employment fixed by agreement.

In Quebec, the Professional Syndicates Act authorizes unions incorporated under it to deposit their label with the Government.

3. COLLECTIVE BARGAINING

"Collective bargaining" applies, in countries where it is well established, to negotiations between employers' associations and trade unions. It is "collective" on both sides. In Canada, the term is used loosely to denote negotiations between a single employer and a trade union, or, in some cases, between an employer and an association confined to his own employees.

In Britain a collective agreement is merely "a gentlemen's agreement"; it cannot be enforced as between the parties. The terms of the agreement, of course, may be part of a workman's contract of service and as such are enforceable. A union has no legal personality, and, in addition, the Trade Union Act, 1871, stipulates that no Court may entertain any proceeding instituted with the object of directly enforcing or recovering damages for the breach of any agreement "between one trade union and another". An association of employers is a trade union within the meaning of the English Act, but not of its Canadian counterpart.

In connection with an agreement between the railway shop-crafts' unions in Winnipeg and the Canadian Northern Railway, the Judicial Committee remarked in 1931:

> " . . . it does not appear to their Lordships to be a document adapted for conversion into or incorporation with a service agreement, so as to entitle master and servant to enforce *inter se* the terms thereof . . . It appears to their Lordships to be intended merely to operate as an agreement between a body of employers and a labour organization by which the employers undertake that, as regards their workmen, certain rules beneficial to the workmen shall be observed. By itself it constitutes no contract between any individual employee and the company which employs him. If an employer refused to observe the rules, the effective sequel would be, not an action by any employee, not even an action by Division No. 4 against the employer for specific performance or damages, but the calling of a strike until the grievance was remedied."

This voluntary system of collective bargaining in Britain has, in the words of a 1934 Ministry of Labour Report,

> "for many years been recognized in this country as the method best adapted to the needs of industry, and to the demands of the national character, in the settlement of wages and conditions of employment. Although collective bargaining has thus become established as an integral part of the industrial system, it has discharged its important function on the whole so smoothly and so unobtrusively that the extent of its influence is apt to be underestimated. It has produced a highly co-ordinated system of agreed working arrangements affecting in the aggregate large numbers of workpeople and defining, often with great precision, almost every aspect of industrial relations."

Statutes in Canada concerning collective bargaining make one or more of the following provisions:

(1) merely declare the "right" of workers to bargain collectively;

(2) facilitate the negotiation of collective agreements by requiring an employer to "recognize" and negotiate with the representatives of a trade union in which his workers are organized; or

(3) give legal effect to a collective agreement under certain conditions and provide, in certain circumstances, for the legal application of an agreement to non-parties.

GENERAL APPLICATION OF A COLLECTIVE AGREEMENT

The first statutes in Canada dealing expressly with collective bargaining were the Quebec Professional Syndicates Act of 1924 and the Quebec Collective Labour Agreements Extension Act of 1934. The former provides for the enforcement at law of a collective agreement to which a syndicate, incorporated under the Act, is party if certain conditions are complied with.

The main provision of the Collective Agreement Act, as it is now called, is the application, by statutory order, to non-parties of the wages, hours, and apprenticeship terms of a collective agreement voluntarily entered into by one or more employers or employers' associations and one or more trade unions or "groups of employees". The parties must represent a sufficient proportion of the industry. Agreements under this Act cover a large part of Quebec industry. They are enforced by joint committees, which are incorporated bodies financed by employers and employed, with power to collect information and to sue for unpaid wages and damages.

Two results of the operation of the Quebec Statute have been the formation of employers' associations for collective bargaining and a raising of wages in many workshops to the rates paid by good employers. The Dominion Wages Control Order has, of course, restricted such operation in wartime.

The Collective Agreement Act is unique on this Continent, but its principles are widely accepted in other countries, including New Zealand and South Africa. The generalization by law of a collective agreement is one of the two principal provisions of the British Wages Councils Act, 1945. Made effective first in 1940 under the Defence Regulations, this provision is to remain in force until December 31, 1950, unless Parliament otherwise determines. The Commonwealth Government of Australia, unable under its constitution to take such action in time of peace, made an order under the National Security Act declaring a collective agreement to be a common rule throughout the industry concerned.

THE "RIGHT" TO BARGAIN COLLECTIVELY

Statutes declaring the workers free to organize in trade unions usually included, or were amended to include, a declaration of the right of employees to bargain collectively with their employer or employers. Such a declaration was made in Nova Scotia and British Columbia in 1937, Alberta, Saskatchewan and New Brunswick in 1938, Manitoba in 1940, Ontario in 1943, and Prince Edward Island in 1945.

COMPULSORY BARGAINING

Of a different sort are other provisions of the enactments in these years concerning collective bargaining. The Nova Scotia Trade Union Act, 1937, made it an offence for an employer to refuse to bargain with a trade union. British Columbia in 1937 and Alberta in 1938 required an employer to negotiate with the representatives of the majority of employees concerned. The Ontario Collective Bargaining Act, 1943, now repealed, made collective bargaining compulsory where the employees were organized in a trade union or in an employees' association including the majority of the workers.

The Quebec Labour Relations Act, 1944, and the Saskatchewan Trade Union Act, 1944, also require employers to negotiate with the representatives of a trade union or association. In Quebec, by a 1945 amendment, the union must include a majority of the workpeople of the particular class or of the establishment; in Saskatchewan, the bargaining representatives must be chosen by the majority of the employees concerned. Prince Edward Island followed the other provinces in 1945 by requiring an employer with 15 or more regular workmen to bargain with a trade union or association representing the majority choice of the employees eligible for membership in it.

All the Acts provide penalties for an employer who refuses to bargain. Saskatchewan goes further and empowers the Government, on application of the Labour Relations Board, to take over and operate any business or plant of an employer who wilfully disregards an order of the board.

The definition of a trade union, employees' association, and collective bargaining agency varies in these statutes. In Alberta and British Columbia, the Acts have been amended to distinguish more clearly between a trade union and an employees' association. Except in Nova Scotia and Prince Edward Island, machinery is provided to determine disputes concerning employees' representatives and to facilitate, by other means, the negotiation of an agreement.

After the enactment of the Dominion Wartime Labour Relations Regulations in 1944, applying to transport and communication agencies and to war industries, and, if a province so enacts, to other industries in the province, the legislation concerning collective bargaining in British Columbia, Manitoba, New Brunswick and Nova Scotia was suspended during the emergency with respect to all industries. The Ontario statute was repealed.

The Dominion Regulations of 1944 require every employer to negotiate in good faith with a trade union or other bargaining representatives acting for a majority of his workmen. The National Wartime Labour Relations Board has power to determine questions concerning representation. Other provisions of these Regulations are outlined in the section above on Freedom of Association and in the section below on Conciliation and Investigation of Disputes.

4. CONCILIATION AND INVESTIGATION OF DISPUTES

EARLY PROVINCIAL LEGISLATION

The provinces were first in this field, but, except a Nova Scotia compulsory arbitration law of 1888, and another of 1890, both repealed, the early Acts had few compulsory features. They provided for conciliation and, if the parties agreed, for arbitration. The early statutes in British Columbia, Ontario, and a Nova Scotia Act of 1903 have been repealed. The Quebec Trade Disputes Act of 1901, a somewhat similar measure but amended from time to time to make it more workable, is the only one to survive and its machinery has been utilized frequently.

CONCILIATION AND LABOUR ACT

The Dominion entered the field in 1900. A Royal Commission on Labour and Capital in 1889 had recommended the establishment of a Bureau of Labour to collect and publish labour information. Statutory provision for such a bureau was made in 1893 but none was created. In 1899 a Dominion inquiry into conditions in the metal mines of British Columbia had resulted in a recommendation that the Government should provide mediation services in labour disputes and set up a Department of Labour. About the same time an inquiry was made by the present Prime Minister into the execution of Dominion contracts for clothing for postal workers. The deplorable conditions revealed led to the adoption by Parliament, in 1900, of a "Fair Wages Resolution" to ensure the payment of fair wages to workers carrying out government contracts. The flood of immigrants and increasing industrialization brought labour problems to the fore and attracted public attention. So, the Conciliation Act, 1900, was passed and a department of labour established to administer the statute and the new fair wages policy.

The Conciliation Act, like its Imperial model of 1896, was merely a permissive measure. The Minister of Labour was authorized to collect and publish labour information and to appoint conciliation officers or a conciliation board whose services could be placed at the disposal of either or both parties to a dispute. Unobtrusive in its operation, this provision has been of great value in the early stages of a dispute before a stoppage of work has occurred and in composing differences which have resulted in a strike or lockout. The great bulk of the work accomplished under this Act is, necessarily, unknown to the general public.

A strike of railway trackmen in 1901 led to a further enactment, the Railway Labour Disputes Act, 1903. Drafted as a compulsory investigation measure forbidding a strike or lockout until after inquiry, the Bill was revised at the insistence of labour merely to enable the Minister, at the request of a municipality or on his own initiative, as well as at the request of either party, to appoint a tripartisan committee of conciliation and investigation in connection with a dispute involving railway workers. Having learned a lesson from the early provincial laws, Parliament provided against one party preventing the holding of an inquiry by authorizing the Minister to appoint, without nomination, a member of the committee to represent the party refusing to nominate a representative. If the committee were unable to agree on a settlement, the dispute was to be referred to an "arbitration" board which had power to summon witnesses and call for the production of documents. The report of a board was not binding but the publicity given to it was considered likely to effect a settlement in such a public utility as rail transport.

The Railway Labour Disputes Act applied to the Crown and its provisions were utilized in two disputes involving the Intercolonial Railway and in 1921 in one on the Canadian National. A 1904 dispute was between the Grand Trunk Railway Company and its telegraphers.

The Conciliation Act and the Railway Labour Disputes Act were consolidated as the Conciliation and Labour Act, 1906.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907

Then came a strike of coal miners in Alberta causing a serious shortage of fuel in the Prairie Provinces. Parliament took prompt action. The principles of compulsory investigation by a government-appointed board and reliance on public opinion as a final court of appeal were incorporated in a statute of 1907, but to them was added a more coercive element in the prohibition of a stoppage of work pending investigation. The main provisions of the Act had to do only with mines, transport and communication agencies, and with gas, electric, water and power works where ten or more persons were employed. Its machinery could be applied, however, to any dispute in industries other than those mentioned if both parties to the dispute consented.

On the application of either party, a board of conciliation and investigation was to be appointed within 15 days from the receipt of the application. By amendments of 1918 and 1920, a board could be established at the request of a municipality or on the Minister's initiative. A board was to have one representative each of employers and workers and an independent chairman. If the parties agreed to be bound by the recommendation of a board, it could be made a rule of court and enforceable. Employers and employed were required to give 30 days' notice of an intended change as to wages and hours and, if such notice caused a dispute, neither party could alter the wages-and-hours conditions until the dispute had been dealt with by a board.

The Industrial Disputes Investigation Act was not declared to apply to the Crown but it stipulated that a railway labour dispute might be referred for settlement under the provisions concerning such disputes in the Conciliation and Labour Act.

In connection with one class of workmen, there was some difficulty in the administration of the Act. The question of jurisdiction as between the Dominion and the provinces arose in several disputes involving provincial or municipal employees. In 1911, the Montreal Street Railway Company challenged the Dominion's power to enact such a statute. A Quebec Superior Court upheld the validity of the Act on the ground that the subject-matter had a general or national importance and was connected with the peace, order and good government of Canada.

Nevertheless, the Deputy Minister of Labour stated in his report for 1918-19 that in the early days of the life of this statute it was a practice to establish a board in a dispute involving municipal utilities only "in the absence of a distinct protest by the municipality on the ground of jurisdiction". When the City of Edmonton in 1917 applied for an order to restrain a board from inquiring into a dispute with its street-railway employees, the Dominion authorities did not oppose the injunction and no inquiry was made. Thereafter, until 1923, the department adopted the policy of applying the Act to provincial or municipal disputes only by joint consent of the parties.

In 1923, a board was established in a case involving the Toronto Electric Commissioners, a municipal body. A restraining order applied for by the Commissioners was granted and the question of the validity of the Act was before the Courts. The Ontario Court of Appeal upheld the Act, considering that it provided machinery for inquiry into disputes

> "which may, and in other cases will develop into disputes affecting not merely the immediate parties thereto, but the national welfare, peace, order and safety and the national trade and business . . . . the legislation is not law in relation to municipal institutions, local works, property and civil rights or matters purely local as these words are used in the British North America Act."

The Judicial Committee of the Privy Council reversed this decision in January, 1925. The Committee, agreeing with Mr. Justice Hodgins of the Ontario Court, declared that the Act was one primarily affecting property and civil rights, a subject reserved to the provincial legislatures except in the case of a national emergency.

The Industrial Disputes Investigation Act was, thereupon, amended to restrict it, in the first instance, to disputes within its scope which are in connection with works within Dominion jurisdiction, and, second, to enable its application to disputes within its scope which are within the jurisdiction of any province on enactment by the provincial legislature of a statute declaring the Act to apply. As regards works within Dominion jurisdiction, the Act was declared to apply, in particular, to works in connection with navigation and shipping, railways, canals, telegraphs and other works extending beyond the bounds of any province, works carried on by aliens or by companies incorporated under Dominion authority, or undertakings declared by Parliament to be for the general advantage of Canada or of two or more provinces.

Between 1925 and 1932, all the provinces except Prince Edward Island enacted laws bringing the Dominion statute into force in their respective jurisdictions. From 1932 to 1937 this situation remained unchanged. In the latter year, British Columbia repealed the enabling Act of that province. Alberta and Saskatchewan took the same action in 1944 and 1945 respectively.

Further information concerning the operation of the Dominion Act during the war is given below under the sub-heading Wartime Measures of the Dominion Government.

PROVINCIAL LEGISLATION, 1906-1936

Meantime, several provinces had passed statutes of limited scope but, like the I.D.I. Act, with more coercive elements than the early legislation.

In Ontario, the Railway and Municipal Board Act, 1906, provided for mediation by the Board in a strike or threatened strike in connection with electric or steam railways within the province or, by an amendment of 1913, in connection with public utilities. Failing settlement, the Board could make its findings public. Further, under the Ontario Railway Act, the Board could take over the operation of any railway within its authority if service was suspended. In 1940, these provisions of the Municipal Board Act were repealed.

Investigation of a dispute before a stoppage of work was permitted was required by the Quebec Municipal Strike and Lockout Act, 1921. This statute applied only to municipal police, firemen, and men employed in connection with waterworks or garbage disposal if there were at least 25 in any one class. These and other municipal workers are now within the scope of the Public Services Employees' Disputes Act, 1944.

From 1919 to 1922, the Manitoba Industrial Conditions Act provided for inquiry and conciliation in disputes by a permanent council. In the latter year no funds for its operation were appropriated by the Legislature.

Except these three statutes of limited scope, no provincial legislation in this field was enacted until after the Dominion Industrial Disputes Investigation Act was declared invalid. However, the most of the industrial provinces carried on conciliation work.

In Nova Scotia and Alberta, disputes in the coal mining industry had caused numerous boards to be established under the Dominion Act. There was no question but that disputes involving mines were within provincial legislative power. Measures providing machinery similar to that of the Dominion Act were accordingly enacted in these provinces in 1925 and 1926 respectively. The Nova Scotia Industrial Peace Act applied to mines and public utilities employing ten or more, and prohibited a strike or lockout pending inquiry. The Alberta Act applied to all disputes, but a stoppage of work was not forbidden. The latter was changed in 1928 to cover only disputes which were not within the scope of the I.D.I. Act as made effective again in Alberta through a provincial statute of that year.

From 1932 to 1937, the I.D.I. Act, as amended in 1925, was in effect, by virtue of provincial enactments, in all provinces except Prince Edward Island. Alberta retained her Labour Disputes Act but Nova Scotia in 1926 repealed the statute of the previous year. Quebec and Ontario had laws applying to special classes of workers and Quebec had its Trade Disputes Act.

PROVINCIAL LEGISLATION AFTER 1936

As a result of widespread organizing activity on the part of unions in the middle thirties, the much more highly developed labour departments in some provinces and the public demand for greater attention to labour problems as the depression of the early thirties brought deplorable conditions to light, the provinces took action in one field of labour legislation after another: minimum wages for men, maximum hours of work for men as well as women, higher standards here and there for school attendance and for the employment of young persons, better factory inspection, improved enforcement machinery and regulations to ensure the payment of wages.

British Columbia and Manitoba in 1937 enacted statutes providing machinery much the same as that of the I.D.I. Act. Both these statutes and the Alberta and New Brunswick laws of the next year differed from the I.D.I. Act in three important particulars. First, they provided for informal inquiry and mediation before a formal tripartite board could be set up to deal with a dispute. Second, they set time-limits on each stage of the proceedings under the Act. Third, they included provisions, above outlined, declaring the freedom of workers to organize, and, in Alberta and British Columbia, requiring employers to negotiate with the representatives of their employees.

British Columbia repealed the enabling I.D.I. Act, but the other three provinces restricted the new statute to industries not covered by the Dominion Act. In 1944, however, Alberta repealed its I.D.I. Act and also the Labour Disputes Act of 1926.

In 1941 the Nova Scotia Conciliation Service Act gave statutory authority to the Minister to appoint conciliators to intervene in disputes.

Quebec supplemented in 1944 its voluntary methods under the Trade Disputes Act by two statutes, the Labour Relations Act and the Public Service Employees' Disputes Act. The latter, which replaced the 1921 statute relating to certain classes of municipal workers, imposes compulsory arbitration and prohibits a strike or lockout of employees of municipal or school corporations, charitable institutions, insane asylums, or of telephone and telegraph services, and those engaged in transport by rail (except Dominion railways), tram or vessel, or in the production, transmission or sale of gas, water or electricity. Arbitration may be in accordance with a collective agreement between the parties or under the Trade Disputes Act. The award is enforceable at law but is not binding for more than one year.

The Quebec Labour Relations Act, like the other provincial statutes of this period, provides machinery for determining questions of representation and others which arise before negotiations over the terms of an agreement are begun. The provisions of the Trade Disputes Act apply to disputes concerning the conditions to be set out in an agreement. As in the other four provinces, a strike or lockout is prohibited until the various stages of the prescribed procedure have been completed, including a 14-day period after investigation under the Trade Disputes Act.

Early in 1944, Saskatchewan, like Ontario, adopted a statute applying to all industries in the province the provisions of the Dominion Wartime Labour Relations Regulations, 1944. But at a later session in the year, Saskatchewan repealed the Labour Relations Act and enacted the Trade Union Act. The I.D.I. Act of Saskatchewan was also repealed. The Trade Union Act not only contains the provisions relating to trade unions and collective bargaining indicated above, but it empowers the Minister to appoint a board of conciliation to inquire into and report on any dispute between an employer and his employees. While an application for a vote to

determine the bargaining rights of a trade union is before the Labour Relations Board or when a dispute is before a board of conciliation, a strike or lockout is illegal. The New Brunswick Labour Relations Act, 1945, has not yet been proclaimed. It is almost identical with the Dominion Wartime Labour Relations Regulations.

DOMINION WARTIME MEASURES

Meantime, steps had been taken to speed up the Dominion machinery for the settlement of disputes in order to take care of the increased number arising partly from demands of unions for recognition and collective agreements and partly from war conditions. The changes required were of two kinds: first, adjustment to deal with disputes over "recognition" and disputes between rival unions and, second, accelerated operation in connection with all disputes.

As regards the first problem, it had been long ago recognized that a dispute about union recognition may require different treatment from a dispute concerning conditions of work. The latter is usually settled by compromise, each side conceding a little here or there. A three-man board may dispose of such differences satisfactorily.

But as to the other kind of dispute, so numerous at this time over a rapidly enlarging field of industry, since the only means of lasting settlement appears to be "the entire abandonment by one party or the other of its claim or refusal as to recognition, the matter is one on which there cannot be a compromise". (Annual Report of the Deputy Minister of Labour, 1911). For this reason, during the war of 1914-18, one-man commissions were established to deal with disputes over union recognition or between rival unions.

In November, 1939, the scope of the I.D.I. Act was extended, under the authority of the War Measures Act, to defence projects and to industries producing war supplies, including articles deemed essential by the Minister of Labour for the war effort or to the life of the community. A year later, when the number of applications for boards and the shortage of experienced conciliators combined to slow up the operation of the Act, provision was made by Order in Council for settling as many differences as possible through inquiry and mediation by one or more commissioners. Special authority to determine questions of discrimination against unionists was given to the Minister of Labour by this Order in Council. Commissioners were able to dispose of a great many cases, but the insistent demand of labour for collective agreements and the continued opposition of some employers to collective bargaining, in spite of the laws in several provinces evincing the intention of the Legislature to promote this method of regulating working conditions, led to further action.

The Wartime Labour Relations Regulations of February 17, 1944, suspended the operation of the I.D.I. Act and so much of certain Orders in Council as were in conflict with the new Order. The latter prohibited interference by employers with trade unions or employees' associations and required every employer to negotiate in good faith with a trade union or other bargaining representatives acting for a majority of his employees. A Labour Relations Board was created to determine questions of representation and others relating to collective bargaining. The Regulations provide, too, for the appointment by the Minister of conciliation officers and boards to investigate and try to settle disputes. A strike or lockout is prohibited until 14 days after a conciliation board has submitted its report to the Minister.

The Regulations apply to war industries in all provinces under the authority of the War Measures Act. By agreement, they are administered, with respect to war industries ordinarily within the provincial field, by the provincial authorities in all provinces except Alberta and Prince Edward Island. By provincial legislation the Regulations apply to other industries within provincial scope in British Columbia, Manitoba, New Brunswick, Nova Scotia and Ontario. In so far as the Dominion Regulations apply to industries normally within the provincial jurisdiction, the ordinary statutory provisions of the province are in abeyance where they conflict with the Dominion Regulations.

SUMMARY

As regards legislation concerning labour disputes, apart from wartime measures, the position, then, is that the Dominion has the Conciliation and Labour Act providing mediation services and the I.D.I. Act requiring conciliation and investigation, before a stoppage of work is permitted, in connection with such mines, transport and communication agencies, gas, electric, water and power works, as are in the Dominion legislative field, and through provincial legislation, to such of the same industries as are within provincial scope in Nova Scotia, New Brunswick, Quebec, Ontario and Manitoba. The I.D.I. Act, however, which had been extended in November, 1939, to war industries, was suspended on March 20, 1944, during the life of the Wartime Labour Relations Regulations.

Of the provinces, apart from wartime measures, Alberta, British Columbia, Manitoba, New Brunswick and Quebec have statutes providing machinery similar to that of the I.D.I. Act and forbidding strikes or lockouts while the machinery is operating. Quebec has also a voluntary conciliation measure applying generally and a compulsory arbitration Act covering certain public services. A Saskatchewan Act sets up somewhat different machinery for the investigation of a dispute which is required before a strike or lockout can legally take place. In New Brunswick, a new Act based on the Dominion Wartime Regulations may be brought in force by proclamation.

5. MINES

In 1873, Nova Scotia prohibited the employment of boys under 10 in or about mines and limited the hours of those under 13 to 10 hours in a day or 60 in a week. British Columbia, four years later, fixed the minimum age for boys below ground at 12 and the maximum weekly hours for those under 15 at 30. One by one, the other provinces established minimum ages for work above and below ground and limited hours, first for young workers, later for all employed about mines.

Further information concerning the minimum age for employment in mines and maximum hours standards is given below under the headings Minimum Age for Employment and Maximum Hours. The standards now in effect are set out in the appendix to this article.

Provisions for the health and safety of miners have been greatly extended in comparatively recent years. Definite qualifications have been laid down and raised

from time to time for employment in jobs involving the safety of others such as hoist-operators, overmen, shot-firers and others. There is a fair degree of uniformity in the provincial laws. As in factories, attention is being directed to particular hazards such as silicosis. Pre-employment and periodic medical examinations are now required of metal miners in all provinces except New Brunswick and Nova Scotia.

6. FACTORIES

At the end of the seventies, business became much more active. The number of factories and mills increased and workers poured into them. Labour conditions worsened. For the first time, they became the subject of public inquiry. A factory Bill was presented to Parliament in 1879 and in several succeeding years by Dr. Darby Bergin, a physician in Cornwall, Ontario, who was familiar with conditions in the cotton mills. The first Bill proposed 10 years as the minimum age for factories, would have required factory children under 13 to attend school part-time, and limited the hours of women and young persons. The educational provision was omitted from later Bills. A Dominion Government commission in 1882 found children of eight and nine working in factories for long hours. A Government Bill of 1883, in the guise of a Bill to define certain offences against persons employed in factories, proposed a minimum age of 12 and a maximum 60-hour week for children under 15.

Discussion of the subject, in and out of Parliament, led to the conclusion that the Dominion had no power to enact factory legislation. Ontario, thereupon, passed an Act in 1884 and Quebec followed the next year. These identical laws were taken from the English factory law of the time. In factories employing over 20 persons, they established a minimum age of 12 for boys and of 14 for girls and restricted the hours of boys under 14 and of girls and women to 10 a day and 60 a week. The factory inspector, however, was empowered, under certain circumstances, to permit these classes to be employed up to 12½ hours in a day and 72½ in a week on not more than 36 days in a year. Certain general provisions were designed to ensure health and safety.

Evidence before the Royal Commission on Labour and Capital led to the appointment of factory inspectors in Ontario in 1887 and in Quebec in 1888. The Commission's report of 1889 resulted in a change in the Quebec law to enable the Government to forbid the employment of girls under 18 or boys under 16 in work considered dangerous or unwholesome. Ontario copied this provision in 1895. It appeared, also, in all the provincial factory Acts enacted later, except that of Alberta. Only in Quebec has the power been exercised. As amended in 1934, the Quebec Act gives similar authority with respect to boys under 18 and women. At the present time, Quebec regulations list three classes of establishments in which work is restricted under this authority: one of premises or occupations in which boys under 16 and girls or women may not be employed; a second list of establishments or occupations in which boys under 16 and girls under 18 may not work; and a third, indicating particular work in certain factories from which boys or girls under 18 must be excluded.

Factory laws were passed in Manitoba in 1900, Nova Scotia in 1901, New Brunswick in 1905, British Columbia in 1908, Saskatchewan in 1909, and Alberta in 1917. In general, higher standards as regards child labour and hours of work were established by the first laws in the western provinces.

The scope of all the provincial Acts has been extended from time to time. They now apply to all establishments, using machinery and to most other workshops.

The canning industry, which for long had special privileges, was by stages placed on the same footing as other industries under the Ontario Act. In Nova Scotia, the minimum age of 14 does not apply, during the four months from July to October, to the gathering and preparation, before the cooking or other such process, of fruits and vegetables for canning or desiccating. In New Brunswick, the Governor in Council, on conditions he considers reasonable, may exempt a factory from any provisions of the Act in order to meet seasonal conditions. In British Columbia, the general exemption given in 1923 to fish-canneries and fruit-packing establishments with respect to the employment of children under 15 was removed in 1927. However, children under 15 could, under the 1927 amendment, be permitted by the inspector to be employed in any factory for not more than six hours in a day. This limitation on hours was struck out in 1943.

The first limits imposed on hours of work for women and young persons in factories in New Brunswick and Nova Scotia were those in effect in Ontario and Quebec, ten hours in a day and 60 in a week with provision for longer hours in special cases. The four western provinces established from the first shorter hours than in the east, but also made provision for overtime for a limited period. The first British Columbia Act fixed a 48-hour week for women and Saskatchewan set the same maximum for women and boys in 1919. In 1904 Manitoba limited women's employment in factories to nine hours in a day and 54 in a week. The first Alberta Act of 1917 placed no restriction on hours of day-work.

Child labour and hours of work in factories are dealt with below under the headings, Minimum Age for Employment and Hours of Work. The present standards are shown in the appendix.

All the factory laws contained a general stipulation that a factory is to be so kept that the health and safety of the workers is not to be endangered. The factory inspector is authorized to see that this obligation is carried out and on his knowledge and experience of hazards depends the satisfactory administration of the provision. Other sections of the present Acts deal with ventilation, overcrowding, temperature, lighting, guarding of machinery, removal of dust, drinking-water, sanitary conveniences, seats for workers, safety clothing and so on. The provisions vary considerably from province to province and it is only in relatively recent years that changes have been made in the early legislation in respect to health and safety. War conditions have stimulated action on this subject. In Quebec, the regulation of health conditions in factories is a matter for the provincial Minister of Health and Welfare. New regulations to ensure healthful conditions of work have been made recently. "Sanitary physicians" appointed by that department are charged with their enforcement and appear to have similar powers to those of factory inspectors.

In Ontario and some other provinces, there is co-operation between the Division of Industrial Hygiene of

the Department of Health and the Department of Labour. The former furnishes expert information concerning such technical matters as toxic substances, their effect and proper handling.

During the war, the Dominion Government has assumed some responsibility for the working conditions of persons employed in Government-subsidized plants and in premises where Government contracts are being carried out. By Order in Council of March 2, 1942, made under the War Measures Act, power was given the Minister of Pensions and National Health to require employers in such plants to keep sickness records, to display posters and distribute pamphlets concerning health and safety, to keep the premises in a sanitary condition, to provide light, heat, ventilation, water and toilet facilities satisfactory to the Minister, to provide adequate medical services and to comply with certain standards of nutrition in respect of any meals served on the premises.

7. COMMERCIAL ESTABLISHMENTS

Regulation of employment conditions in commercial establishments is much less extensive in Canada than that in factories. Laws for the protection, in some measure, of persons employed in shops have been enacted in most provinces but the regulation of other commercial establishments is even less general. Employment in offices, banks and other financial institutions, hotels and restaurants and places of amusement is affected by school attendance laws in all provinces, by minimum-age provisions and minimum-wage orders in some provinces, and, in a few cases, by the statutory regulation of hours. The standards are outlined below under the respective heads.

For many years the only limitation on hours of work in shops, except in the case of children, was imposed by municipal early-closing by-laws. In Prince Edward Island, New Brunswick, Nova Scotia, and Saskatchewan, this is still true.

In Ontario in 1888, the working hours of girls under 16 and boys under 14 in shops were restricted to 12 hours in a day, 14 on Saturday, and 74 in a week. Nova Scotia raised this standard slightly in 1895, making the weekly limit 72 hours. British Columbia five years later, went a little further and prohibited the employment of children under 16 for more than 11 hours in a day, 13 on Saturday or 66½ hours in a week. In 1909, Nova Scotia imposed a much higher standard by stipulating that boys under 14 or girls under 16 could not be employed in a shop for more than eight hours in a day nor for more than four hours on Saturday. This is still the law in Nova Scotia.

No minimum age has been established by statute for shops in Prince Edward Island, Nova Scotia, New Brunswick or Saskatchewan, but in these provinces, as in others, school attendance laws restrict the employment of children below the minimum school-leaving age during school hours.

8. MINIMUM AGE FOR EMPLOYMENT

The first regulation of child labour by laws covering employment in mines, factories and shops has been described above. The present minimum school-leaving ages and the minimum ages for employment in mines, factories and shops in each province are shown in the appendix.

SCHOOL ATTENDANCE

School attendance laws have affected employment in mines and factories, but children can be employed about shops, places of amusement and other work-places before and after school hours if there is no definite prohibition of such work. All provinces now require attendance at school of children between certain ages unless a specified standing at school has been attained. New Brunswick passed such a statute in 1941 and Quebec in 1943.

In all provinces, however, poverty appears to be still a legal cause for exemption from attendance, the specific ground for exemption being the need for the child's services or for his earnings.

In Nova Scotia and Prince Edward Island, poverty is expressly mentioned as a legal excuse for non-attendance. In Prince Edward Island, attendance in rural districts is required only for 75 per cent of the term. In Ontario, Alberta, Manitoba and New Brunswick, children under the minimum school-leaving age may be exempt for not more than six weeks in a term. There are usually three terms in a school year. In Nova Scotia and Quebec, a similar exemption applies only for six weeks in a year. Manitoba and Nova Scotia restrict this provision to children over 12 and the law of the latter province stipulates that the child's services are to be available only to his parent or guardian for farm work. In other provinces there is no age-limit.

Saskatchewan, too, permits a child to be absent from school if it is necessary to maintain himself or some person dependent on him, but the law imposes no time-limit on the exemption. British Columbia makes no provision for exemption similar to that in the other provinces, but it is a defence to prove that the child was prevented from attending school by any "unavoidable cause". There is no information as to where this has been construed to include the poverty of the family.

MINES

Higher ages are usually fixed for employment in mines than in most other work-places. With one or two exceptions, the provincial standards are relatively high. Of the five coal-producing provinces of British Columbia, Alberta, Saskatchewan, New Brunswick and Nova Scotia, British Columbia and Nova Scotia fix 18 years as the minimum age for work underground in coal mines. However, wartime regulations in Nova Scotia have lowered this standard to 17½ years. In Alberta, underground work in any mine cannot be done under 17 years. In Saskatchewan where the mines are shallow and in New Brunswick the minimum for such work is 16 years.

Above ground about coal mines, the minimum age is 16 in British Columbia, Saskatchewan and Nova Scotia. Alberta has 17 years as the minimum for this work and in Saskatchewan it is 16. No minimum is fixed for employment above ground in New Brunswick.

Below ground in metal mines or quarries, 15 years is the minimum age for work in Quebec, 16 in Nova Scotia and New Brunswick, 17 in Alberta, and 18 in British Columbia, Saskatchewan, Manitoba and Ontario.

Above ground there is a minimum of 15 years in British Columbia, 16 in Saskatchewan, Manitoba, Ontario and Nova Scotia, and 17 in Alberta. No minimum is established for above-ground work in New Brunswick or Quebec.

FACTORIES

Ontario was the first province to establish 14 as the lowest age at which a child could be employed in any factory except a cannery. This standard, imposed in 1895, remains in effect but it was applied to canning factories in 1918. It is modified to some extent by the stipulation in the Adolescent School Attendance Act of 1919 that no person under 16 may be employed between 8 a.m. and 5 p.m. unless he has an employment certificate exempting him from school attendance.

Quebec in 1903 raised the age for factory work by boys to 13, leaving the 1885 standard of 14 for girls. In 1907, the employment of boys under 14 was prohibited. In the same year, it was stipulated that children under 16 must attend night school if they were unable to read and write, but in 1910 this was revised to prohibit employment of any child under 16 unless he could read and write fluently or was attending night school.

Nova Scotia and New Brunswick fixed 14 as the minimum age for industrial establishments in 1901 and 1905 respectively. A revised New Brunswick Act of 1920 dropped this provision, but in 1943 it was put in effect again.

In Manitoba, Alberta and British Columbia, the present standard is 15 years; in Saskatchewan it is 14 for boys and 15 for girls. British Columbia permits exemptions to be made by the Minister. Manitoba in 1900 established 16 as the minimum age for factories, but four years later reduced the age for boys to 14. An Order of 1936 under the Minimum Wage Act made it uniform for boys and girls at 15 years. Saskatchewan began in 1909 with 14 years but in 1920 raised the age for girls to 15. British Columbia also distinguished between boys and girls in the first factory law of 1908 and exempted fish-canning and fruit-packing. After 1923, no boys or girls under 15 could be employed in factories except canneries and fruit-packing establishments. The specific exemption of these workplaces has been struck out but power is given to the factory inspector to permit exemptions.

SHOPS

No minimum age for employment in shops has been established by law in Prince Edward Island, Nova Scotia, New Brunswick or Saskatchewan. In Quebec, Ontario, Manitoba and British Columbia, the same minimum applies as for factories, 14 years in Ontario and Quebec, 15 in Manitoba and British Columbia (except with permit). In Alberta in towns of over 5,000 population no child under 15 can be employed in a shop. In most cases, these standards have only been attained in comparatively recent years, Alberta in 1917, Ontario in 1921, Quebec in 1934, Manitoba in 1937 and British Columbia in 1944.

In Quebec a child under 16 cannot be employed in a shop unless he can read and write fluently or is attending night school and, in Ontario, a child under 16 who is required by law to attend school cannot be legally employed between 8 a.m. and 5 p.m.

Employment about shops has attracted children of school age who can work before and after school hours. Except in Manitoba, there is no law in Canada regulating such employment. The Manitoba Shops Act of 1916 forbade the employment in shops of children under 14 except with a permit for not more than eight hours a day or 48 hours a week. It stipulated, further, that boys of 13 could be employed for not more than two hours on school days and eight hours on Saturdays. In 1917 the Act was extended to apply to premises used in connection with a messenger service. Since 1937, when a minimum-wage order prohibited employment under 15 years of age in a retail store, the section limiting the work of school boys would seem to apply only to messengers.

OFFICES

In Alberta, Manitoba, Ontario and Quebec there is prohibition of employment in offices below a fixed age. In Quebec, the minimum is 14 years with the same condition attached as to a certificate of study if under 16 years. In Alberta and Ontario, no child under 15 may be employed in an office-building, and in Manitoba no boy under 14 or girl under 15 may work in an office.

HOTELS AND RESTAURANTS

Alberta, Manitoba and British Columbia fix 15 as the lowest age at which a child may be employed in hotels or restaurants. Alberta makes it an offence to employ in such places a girl under 18 without her parent's consent. In British Columbia, the prohibition applies to all work in connection with catering in any establishment and a permit may be issued by the Minister. In Ontario and Quebec, no child under 14 may work in these places. As in all cases in Quebec, a child under 16 may not be employed if he cannot read and write fluently or is not attending night school.

PLACES OF AMUSEMENT

Higher minimum ages apply, in general, to public places of amusement. In some cases, employment of this kind is regulated by municipal by-law.

Employment in billiard-rooms or bowling-alleys is forbidden under 18 years of age in Alberta, British Columbia and Manitoba. During the war British Columbia permitted boys or girls over 16 to work as pin-setters with the consent of their parents. The general prohibition in the British Columbia and Manitoba laws applies, too, to other places of amusement to which the public has access on payment of an entrance fee.

Saskatchewan requires a permit to be obtained for the employment in such places of a child under 16. In Ontario, no child under 14 may work in a billiard-room or bowling-alley and none under 16 between 8 a.m. and 5 p.m. without an employment certificate.

STREET TRADES

Children engaged in selling newspapers and other articles on the streets and public places may be subject to a municipal by-law or, in a few provinces, to provincial regulation.

The three Prairie Provinces provide for a licensing system established by municipal by-law but it is stipulated that no licence may be given to any girl or to a boy under 12 nor to a boy under 14, 15 in Alberta, without his parent's consent.

Ontario forbids the sale of articles at any time on the streets by boys under 12 or by girls under 16. Street-trading by boys under 16 is prohibited after 10 p.m.

In Quebec, the stipulation that a child under 16 must be able to read and write fluently before being employed applies to street trades. If a child of this age is attending night school, he is exempt up to 8 p.m.

MISCELLANEOUS

The Canada Shipping Act, giving effect to two International Labour Conventions, prohibits the employment at sea, except on a training-ship supervised by public authority, of a child under 14 years of age or of any boy under 18 as a trimmer or stoker. The first Convention has been revised to raise the minimum age to 15 years. The only legislation in Canada affecting employment in farm work is that requiring attendance at school.

The British Columbia Control of Employment of Children Act, 1944, applies more broadly than most of the provincial statutes. It forbids employment under 15 years of age, except with a permit from the Minister of Labour, in the following: manufacturing; shipbuilding; the generation or transmission of electricity or motive power of any kind; logging; construction or repair of buildings, roads, bridges, etc.; the catering industry, including all operations incidental to the preparation and serving of meals for which a charge is made; public places of amusement; and shops and stands for the sale of fresh fruits, soft drinks and dairy products.

The Prince Edward Island Minimum Age for Industrial Employment (International Labour Convention) Act, 1945, prohibits the employment of children under 15, ~~except during school holidays~~, in a mine, factory, construction, or transport by road, rail or inland waterway, including the handling of goods at docks. This Act was passed as a step towards uniform legislation in the provinces along the lines of the International Labour Convention.

The Child Welfare Acts of Alberta, Manitoba and Saskatchewan forbid the employment anywhere of children below a certain age at night. The Alberta and Saskatchewan provisions apply to a child under 16; the prohibited hours in Alberta being from 9 p.m. to 8 a.m. and in Saskatchewan from 10 p.m. to 6 a.m. The Manitoba statute forbids the employment of any person under 18 between the hours of 9 p.m. and 6 a.m.

A general clause in the Alberta and Manitoba Acts taken from the law in Britain stipulates that no child under 16 may be employed in any occupation likely to injure his life, limbs, health, education or morals.

9. WORKMEN'S COMPENSATION

Beginning in Ontario in 1914, workmen's compensation laws are now in force in every province except Prince Edward Island. In the latter, workers on Canadian Government Railways are given compensation in case of accident under the provisions of the Dominion Government Employees' Compensation Act.

More nearly uniform than any other class of labour legislation, the provincial Workmen's Compensation Acts each provide for a system of State insurance which covers most of the hazardous industries within the province. The principles of this legislation mark the first important departure from English law for the protection of labour. Based on recommendations made after extensive inquiry by Sir William Meredith who was commissioned by the Ontario Government to suggest a more satisfactory system of employer's liability, the Ontario statute embodies principles adapted from the German system of accident insurance and from a collective liability law enacted in 1911 by the State of Washington. Much of the wording, however, and some of the clauses were taken from the British Act of 1906.

Under the Canadian Acts, compensation is paid for accidents occurring in the course of employment and for certain industrial diseases which, except for some half-dozen, vary from province to province. The worker is entitled to compensation regardless of the employer's financial position. Classified and assessed on their payrolls according to the hazard of their industries, the employers in each province contribute to an Accident Fund which is administered by a provincial board. The Fund bears the whole cost of medical aid and compensation, including the expenses of administration. In British Columbia, however, the employees contribute to the cost of medical aid. In some provinces, certain large corporations, such as railway companies, are individually liable.

The coverage of these Acts has been broadened but little since their enactment. In general, they relate to mining, manufacturing, construction and transport but only in two or three provinces do they apply to commercial establishments, hospitals and other such institutions, to agriculture or to small work-places in industries within the Act. The Workmen's Compensation Boards have power to exclude small undertakings. From time to time additional diseases are made compensatable.

Under the Dominion Government Employees' Compensation Act of 1918, any person employed by the Dominion Government, or his dependant, is entitled to compensation for an accident occurring in the course of his duties in the same manner as a workman in private industry in the province in which the accident occurs. The amount of compensation is determined by the provincial Workmen's Compensation Board and paid by the Dominion Government.

Benefits payable under the provincial Acts are shown in the appendix to this article.

10. MINIMUM WAGES

The minimum rates fixed, under provincial legislation, for experienced workers in certain classes of establishments are set out in the appendix to this article.

Before the end of the war of 1914-18, the plight of low-paid women workers caused minimum-wage laws to be enacted in Manitoba and British Columbia. Saskatchewan and Ontario followed in 1919 and 1920. By the end of 1930 all provinces, except New Brunswick and Prince Edward Island, had legislation enabling an administrative authority to establish, usually subject to approval by the Lieutenant-Governor in Council, minimum rates for women. The Acts in Manitoba and Saskatchewan covered factories and shops, hotels, restaurants and places of amusement and the former applied also to offices. In other provinces all employed women except farm workers and domestic servants were within the scope of the legislation. The first Acts in the three Prairie Provinces applied only to cities and towns.

In New Brunswick, a Minimum Wage Act was enacted in 1930 but it was not put in force. Under a

statute of 1936, as amended in 1938, minimum rates have been fixed for men or women in particular plants or in a particular industry in a certain area but no general orders have been issued. Not yet proclaimed in effect, a New Brunswick law along the lines of those in other provinces was placed on the statute books in 1945.

Under the first provincial laws, minimum weekly rates were based on a cost-of-living budget for a single woman. Lower rates were fixed for learners or handicapped workers. In the four western provinces, the Minimum Wage Board had power to limit hours and to regulate other conditions. This authority was utilized, chiefly, with respect to work-places not within the scope of any other statute, such as hotels, restaurants, shops and places of amusement. At the present time, the Manitoba and Quebec Acts and the British Columbia Female Minimum Wage Act give authority to limit hours.

The depression of the thirties revealed weaknesses in this legislation, principally, the lack of proper provision to ensure its enforcement, failure to guard against payments below the minimum for slightly reduced hours of work, and to fix punitive rates for part-time work, the hiring of "learners" as soon as the old ones had reached the "experienced" worker's rate, and the employment of men to replace women at lower rates. The two most important developments were the stipulation in most cases that the rates applied to a certain weekly work-period with higher rates for part-time and overtime work, and second, the extension of the legislation to men. By 1939 all provinces except Nova Scotia, provided for minimum rates for male workers, either by amending the existing Act or, as in British Columbia and Alberta, by enacting a second law applying only to men. In Ontario, only the textile order related to men. During this period too, Alberta, Manitoba and Saskatchewan enabled orders to be applied throughout the entire province. A Nova Scotia Act of 1945, still to be proclaimed, applies to men.

In general, in Quebec and Saskatchewan, the same minimum rates have been fixed for men and women when employed in the same class of work-places; in other provinces different rates for men and women are fixed by orders applying to certain work-places. In Alberta, Manitoba and Saskatchewan, a minimum hourly rate has been established for male workers who are not within the scope of any special order. In some provinces, hourly, instead of weekly, rates are now established for some classes of workers, particularly men. In Alberta and British Columbia, the same rates apply throughout the province; elsewhere the minima vary as between two or more zones.

In Manitoba, minimum rates and maximum hours are fixed under the Fair Wage Act for men engaged on private building projects in cities or towns of over 2,000 people and on road and bridge construction in the province.

The free operation of minimum-wage-fixing machinery in the provinces has been affected by the Dominion wages stabilization policy. As amended, however, in 1944, the Wartime Wages Control Order, 1943, has the effect of permitting the provincial authorities to increase a minimum rate up to 35 cents an hour or to an equivalent weekly rate.

INDUSTRIAL STANDARDS ACTS

The "hard times" of the thirties brought about not only amendments in the existing minimum wage laws but what was in Canada a more novel type of legislation. Industrial Standards Acts of Ontario, Alberta, Saskatchewan, New Brunswick and Nova Scotia provide wage-fixing machinery not unlike that in other countries. In the Canadian provinces, as in the American states, minimum rates are determined, under the Minimum Wage Acts, by a single government board. In some cases, before an order is made, public hearings are held; in others, representatives of labour and industry are called in to confer with the board.

In Britain, in certain Australian States, under the United States Fair Labour Standards Act, and in some European countries, minimum rates are determined for each industry by a joint board or committee of the employers and workers in the industry. They are made effective by statutory order. The rates agreed on by the joint body may be referred back to it for reconsideration but usually they cannot be changed by the Minister in charge of the Act. These "trade boards", as they were called in Britain, now "wages councils", or in Australia "wages boards", are permanent bodies reviewing the situation from time to time; in other cases, the wage-fixing committees dissolve after the rates have been made binding.

The Ontario Industrial Standards Act of 1935 provided that when, at a conference called by the Minister at the request of employers or employed in any industry, "a proper and sufficient representation" of the employers and employees agree on minimum wages and maximum hours, the Government on the recommendation of the Minister, may declare these terms legally binding on the entire industry in the district concerned. A joint committee may be appointed to assist in enforcing the conditions. Established when rates for skilled workers, particularly in the building trades, had fallen very low, this statutory machinery was applied to some industries, such as construction in certain cities and some branches of the clothing industry, where the workers are organized and had been accustomed to collective bargaining, but the Act does not recognize trade unions or collective agreements as such. In other trades and industries where there is inadequate or no organization of labour, wages and hours are also regulated under this statute. In an industry in which there is interprovincial competition, such as clothing, the conditions made binding by Order in Council may be enforced by the joint committee and the cost paid from an assessment levied on employers or on both employers and employed.

Statutes of like title were enacted later in Alberta, Saskatchewan, New Brunswick and Nova Scotia. In the two last-named provinces, the law can be applied only to construction; in Nova Scotia, only in Halifax and Dartmouth. Manitoba, in amending its Fair Wage Act covering government construction, also enabled the wages and hours agreed on by representatives of the parties to be legalized for the trade or industry concerned but the provision relates only to trades designated by the Government.

Noted in this connection, too, should be the Quebec Collective Agreement Act which is described above under the heading Collective Bargaining. The fundamental principle of the Quebec Act is voluntary collective bar-

gaining but the application by Government of a collective agreement to unorganized workers involves the principle of minimum-wage fixing.

11. FAIR WAGES

"Fair Wages" is a term used in Britain and Canada to denote the wages required by Government policy to be paid to persons employed in the execution of contracts for the Government. Specific rates are not laid down in the Order in Council setting forth the policy but the general stipulation is made that the rates must be such as are generally accepted as current for competent workmen in the district in which the work is performed.

Adopted by the House of Commons in March, 1900, and worded like the resolution of the British House of 1891, the "Fair Wages Resolution" was directed against the evils arising from the sub-letting of contracts as disclosed in 1898 in the report by Mr. W. L. Mackenzie King on the conditions surrounding the carrying out of contracts for postal workers' uniforms. The policy applies to public works, works aided by Government funds, and to contracts for equipment and supplies manufactured for the Government. Since 1922 the fair-wage provisions have been set forth in an Order in Council. Amendments were made in 1924 and 1934 and since the war.

The policy is administered by the Minister of Labour who determines disputes as to what constitutes "current rates". If there are no "current rates" or "current hours", then rates deemed "fair and reasonable" apply and hours "fixed by the custom of the trade". "Current wages" and "hours of labour fixed by the custom of the trade" mean the standard rates of wages and hours either recognized by signed agreements between employers and workmen in the district from which the labour is necessarily drawn, or those actually prevailing, although not incorporated in signed agreements.

Contracts for construction and contracts for the manufacture of supplies call for somewhat different treatment. In both cases sub-contractors are bound by the same conditions as contractors. For construction contracts, the Department of Labour draws up schedules of wages and hours. In the matter of hours on construction jobs, there is now statutory regulation. The Fair Wages and Eight-Hour Day Act, 1930, limited to eight the daily hours on public works or on works subsidized from Dominion funds. The Fair Wages and Hours of Labour Act, 1935, replaced this statute and provided an eight-hour day and 44-hour week except when otherwise provided by the Governor in Council or in case of emergency, when other conditions may be approved by the Minister of Labour.

Contracts for the manufacture of supplies are governed by the general provision concerning wages and hours. In no case, however, may the wages be less than those established by the Order in Council. The 1934 Order, which was the first to fix minimum rates, required at least 30 cents an hour to be paid to men over 18 years of age and 20 cents to women over 18. Workers under 18 were to be paid according to the minimum-wage scale of the province or, in New Brunswick and Prince Edward Island, according to the Nova Scotia minimum wage orders. The 1934 minimum rates were raised in 1941 to 35 and 25 cents for men and women, respectively, with a minimum rate of 20 cents for workers under 18.

Administrative provisions were strengthened early in the war. Standard clauses were worked out by the Department of Munitions and Supply for all contracts for construction and for contracts let on behalf of the Canadian, British and Allied Governments for the manufacture of war supplies. Since 1907 contractors for public works have been required to post the schedule of wages and hours, and since 1934, other contractors, the general clauses applying to the manufacture of articles. In 1922, the Government was authorized to withhold from any contractor the payment of moneys until he had complied with conditions as to wages and hours. In 1940, the Deputy Minister of Labour was made definitely responsible for investigating claims for unpaid wages on construction jobs and the next year the same provision was made with respect to wages on other contracts, and the procedure for settlement was set out in detail. An Order in Council of May 30, 1941, provided penalties for infractions of the Order concerning supplies and these were substantially increased later in the year. A Dominion-Provincial system of inspection was put in effect in 1941.

In New Brunswick and Saskatchewan, the Public Works Acts of 1913 and 1916, respectively, require the payment of "fair wages" on provincial government works. In Manitoba and Ontario, special statutes give effect to a fair wage policy for public works which had been based previously on a resolution of the Legislature. In other provinces, resolutions of the Legislature direct the adoption by the Government of such a policy. Municipalities, too, often observe such a policy.

In Quebec, an Order in Council of 1929, amended three years later, sets out a standard clause for all public works contracts, requires posting of the clause and schedule of wages and the keeping of records. Any amount due for wages may be deducted from that owed the contractor.

The Manitoba Fair Wage Act of 1916, which applies also to private building in cities and towns of over 2,000, is administered by a Board of five members representing equally employers and employed with an officer of the Labour Department as chairman. Annually, a schedule of wages and hours for public works is drawn up, based on collective agreements or in accordance with prevailing conditions.

The Ontario Government Contracts Hours and Wages Act, 1936, in addition to requiring payment of "fair wages" to persons employed on public works or on works subsidized by the Government, imposes an eight-hour day and a forty-four-hour week, except in special cases determined by the Lieutenant-Governor in Council or, in emergencies, with the approval of the Minister. The Public and Other Works Wages Acts empowers the Government, if the contractor fails to pay the proper wages, to pay the claim to the extent of the money in its hands for securing the performance of the contract.

The British Columbia Public Works Wages Act makes similar provision in order to ensure the carrying out of the fair wage policy which was adopted by the Legislature in 1900.

12. MAXIMUM HOURS OF LABOUR

The legal standards concerning hours of labour which were adopted first for mines, factories and shops have been indicated above in the sections on these workplaces. The standards applying at the present time to

such establishments are shown in tabular form in the appendix to this article.

In five provinces there are special Hours of Work Acts: British Columbia, Alberta, Quebec, Nova Scotia and Ontario. The British Columbia, Alberta and Ontario statutes fix an eight-hour day and 48-hour week for the workers to whom they apply. The Quebec and Nova Scotia Acts empower the administrative authorities to limit hours.

British Columbia enacted in 1921 an eight-hour day Act to apply to "industrial undertakings." The statute was based on the International Labour Convention of 1919 and it stipulated that it was to go into effect on the enactment of similar legislation by the other provinces. The same action was taken in British Columbia in respect to the International Labour Conventions concerning a Minimum Age for Employment in Industrial Undertakings, the Night Work of Women and of Young Persons and the Employment of Women before and after Childbirth. No other provinces enacted similar laws and the British Columbia Acts, with one exception, remained inoperative. The Maternity Protection Act was declared in effect later in the same year.

In 1923, however, the British Columbia Hours of Work Act was passed. As revised in 1934, it sets a maximum of eight hours in a day and 48 in a week for all persons employed in mining, manufacturing and construction and in such other industries as may be added by regulation. At the present time it applies also to shops, barbering, baking, catering, drug stores, road transport, the taxicab industry, the soft drinks industry and to hotel clerks and elevator operators.

The Board of Industrial Relations may grant permanent or temporary exemptions from the limits imposed.

The Alberta Hours of Work Act of 1936 covers any industry, trade or occupation, except farming and domestic service, unless it is exempt by regulation. The Act of 1936 merely incorporated the existing law with respect to factories as it was set out in the Factories Act and Minimum Wage Orders, eight and 48 hours for women and nine and 54 for men. Amended in 1945, the Act now limits the hours of both sexes to eight in a day and 48 in a week. Exemptions may be granted by the Board of Industrial Relations.

Acts to provide for the limiting of hours were passed in Quebec and Nova Scotia in 1933 and 1937, respectively. No action has been taken under the Nova Scotia Act but it provides a weekly rest-day for all workmen employed in mines and factories and in construction.

The Quebec statute was designed to open up more employment opportunities by shortening hours. Under it, the building trades throughout the province were given a maximum 40-hour week but, later, when business improved, this limit was raised to 48 hours. Hours of work in shoe-repair shops and beauty parlours on the Island of Montreal were restricted under this statute to 64 and 55 in a week, respectively.

The present Minimum Wage Acts of Manitoba and Quebec grant the administrative authorities power to fix maximum hours. The British Columbia Female Minimum Wage Act gives similar authority.

It should be remembered in this connection, that hours may be, and are, restricted by statutory regulation applying to certain classes of employment under the Industrial Standards Acts of Alberta, New Brunswick, Nova Scotia, Ontario and Saskatchewan and under the Quebec Collective Agreement Act.

MINES

All mining provinces, except Manitoba and Quebec, have limited by law the number of hours that may be spent in underground work. Quebec, however, retains a provision of 1892 limiting the employment underground of boys under 17 to 48 hours in a week.

In 1897 and 1904, British Columbia provided for an eight-hour day for work below ground in metal and coal mines, respectively. In 1918, the same provision was made for workers above ground about both classes of mines.

In Nova Scotia, by agreement, the coal miners had had an eight-hour day for some years before the limitation on underground work was imposed by statute in 1924. In 1933, underground workers in New Brunswick were given an eight-hour day.

In Alberta, in 1913, the law restricted work below ground in all mines of the province, coal, salt, clay, etc. Above ground, the workers are limited by the Hours of Work Act, 1936, to eight in a day and 48 in a week.

In 1913 Ontario, too, provided for an eight-hour day below ground but the provision was stipulated to apply only in Northern Ontario. In Saskatchewan, a 1932 statute governing coal mines restricted daily hours in or about coal mines to eight unless it was agreed otherwise.

In Manitoba, no action has been taken by the Lieutenant-Governor in Council under the power given him to limit hours of work in mines.

There is some variation between the provinces with respect to the application of the eight-hour period below ground. In some, it applies to the time spent at the working face, in others, it includes the time spent in reaching the place of work from the top of the shaft. In all cases of limitation on hours below ground, provision is made for longer hours for maintenance workers or in cases of emergency.

FACTORIES

Hours of work in factories are limited for all classes of workers in Alberta, British Columbia and Ontario by the Hours of Work Acts. In Manitoba, New Brunswick, Quebec and Saskatchewan, the only statutory restrictions are those imposed on the working hours of women and young persons. In Nova Scotia, through changes in the original Factories Act, which prohibited the employment of women and boys for more than ten hours in a day or 60 in a week, there is now no legal limit on hours of work.

The 10-hour day and 60-hour week for women and young persons established by the first factory legislation in Ontario, Quebec and New Brunswick was first changed in Quebec in 1910 to reduce to 58 the weekly hours of women and boys in cotton and woollen mills. Two years later, this maximum was lowered to 55 hours and in 1930 it was applied to all factories. The 10-hour limit remains in effect.

New Brunswick abandoned the legal 60-hour week in 1943 and limited hours of women and boys under 18 in factories to nine and 54.

The Ontario Hours of Work and Vacations with Pay Act, 1944, fixed eight and 48 hours for all employees in industry and in any business or occupation which may be prescribed by the regulations. The hours sections of the Ontario factory law have not been repealed but the 1944 statute stipulates that, where there is conflict with any statute, the provisions for shorter hours prevail. War

industries are exempt from the later Act and would be governed by the 10-hour and 60-hour limits for women and boys of the Factory, Shop and Office Building Act and by its provision for longer hours in special circumstances.

In all three provinces, exceptions can be made for emergencies or special conditions.

In both Ontario and Quebec, the factory law permits the employment of women on two shifts of not more than eight hours each, the two shifts to fall between 6 a.m. and 11 p.m.

In Manitoba, the 54-hour week established for women and boys in factories in 1904 was reduced to 48 hours for one class of factory after another by Orders under the Minimum Wage Act. Nine hours is still the maximum for a day but the 48-hour week applies to all factories.

The Saskatchewan standards with respect to hours of work of women and boys in factories were fixed in 1909 at eight and 45 for women and boys, raised in 1911 to nine and 54, and lowered to 48 hours for a week's work in 1919-20. As in the other provinces, exemption from these limits could be given.

SHOPS

In shops in Alberta, British Columbia and Ontario, the working hours of all employees are limited by statute to eight in a day and 48 in a week with provision for overtime. In Manitoba, a Minimum Wage Order fixes the same standards for women and boys under 17. In Quebec, in 1934, hours for women in shops in towns of over 10,000 people were limited to 60 in a week. There is no regulation of hours of work in shops in New Brunswick, Nova Scotia, Saskatchewan or Prince Edward Island but municipal by-laws requiring the early closing of shops affects working hours in all provinces.

HOTELS AND RESTAURANTS

In New Brunswick, Nova Scotia, Prince Edward Island and Saskatchewan, hours of work in hotels and restaurants are not restricted by statute or regulation.

The Alberta and British Columbia Hours of Work Acts apply to these work-places. In British Columbia, hotel clerks, elevator operators and all persons employed in public dining-rooms or in the service connected therewith have an eight-hour day and 48-hour week. However, a Minimum Wage Order allows women in hotels and restaurants to work in emergencies up to 10 a day and 52 a week and women in resort hotels up to 56 hours a week.

A Manitoba Minimum Wage Order limits the hours of labour in hotels and restaurants of women and boys under 18 to 48 in a week.

In Ontario, under the 1944 statute, special wartime regulations apply to hotels and restaurants. Restaurant workers who are given meals on the premises must be there for nine hours, if required, of which two one-half-hour periods are for meals. Overtime may be worked within prescribed limits. No woman, however, may be employed more than 10 hours in a day or 48 in a week.

Quebec stipulates that no person may be employed in an hotel or restaurant for more than 12 hours in any 24.

BARBER SHOPS AND BEAUTY PARLOURS

There is no general legal limitation of working hours in these places in Nova Scotia, New Brunswick or Prince Edward Island.

The Alberta Hours of Work Act covers both classes of work-place. In British Columbia, barber shops are within the Hours of Work Act and an Order under the Female Minimum Wage Act limits to nine a day and 44 a week the hours of work of women in beauty shops. In Manitoba, too, such an Order restricts the work of women in beauty parlours to 48 hours in a week but limited overtime is permitted. An Order under the Manitoba Fair Wage Act limits the hours of business in barber shops in the cities and incorporated towns of the province to ten in a day except on Saturday and the days preceding statutory holidays.

In Ontario, barber shops in many cities and towns have been governed by schedules of wages and hours made binding under the Industrial Standards Act. The 1944 Hours of Work Act may be applied to these places.

In Quebec, on the Island of Montreal, working hours in beauty parlours are restricted to 55 in a week by an Order under the Limitation of Hours of Work Act. Collective agreements legalized under the Collective Agreement Act in certain cities and towns fix hours varying from 55 to 59 in a week.

In Saskatchewan, barbers and hairdressers in several towns have their hours limited by schedules under the Industrial Standards Act.

MISCELLANEOUS

Hours of work in certain other jobs are regulated in some provinces.

Drivers of transport vehicles in New Brunswick, Nova Scotia, Ontario and Prince Edward Island may not be employed more than 10 hours, out of 16 consecutive hours in New Brunswick, and out of 24 in Nova Scotia, Ontario and Prince Edward Island. In New Brunswick only the work of driving is covered; in Nova Scotia, work in any capacity in transporting passengers or freight. The 10-hour limit in Ontario applies to both classes of vehicle but, for passenger-transport, the limit applies only to the hours spent in operating the vehicle. In Quebec, except in an emergency, no employed person may drive a passenger or goods vehicle for more than 12 consecutive hours without taking a rest-period in addition to time for meals, and no bus-driver may drive more than 250 miles in 24 hours.

Office workers have an eight-hour day and a 48-hour week in Alberta, British Columbia and Ontario, unless longer hours are permitted in emergency or by regulation. In Manitoba, a 48-hour week applies to women in offices.

Hours of work in bake shops are regulated in Alberta, British Columbia, Manitoba and Ontario. Under the Industrial Standards Acts of Alberta and Saskatchewan and the Collective Agreement Act of Quebec, limits are imposed on hours in these work-places in some cities and towns.

Municipal fire-departments in cities of a certain size are also regulated with respect to hours in some provinces and in Alberta, British Columbia, Nova Scotia, Ontario and Saskatchewan a two-platoon system is compulsory in cities and, in some cases, in large towns. In Nova Scotia, however, the provision must be applied by municipal by-law.

WEEKLY REST-DAY

Under its power to legislate concerning criminal law, the Parliament of Canada enacted the Lord's Day Act in 1906. This statute which prohibits employment

except in work of necessity or mercy does not ensure a day of rest every seven days.

In Alberta and Nova Scotia, the Hours of Work Acts stipulate that workers shall be given a weekly rest-day. The Alberta Act applies to all employed persons, except farm workers and domestic servants, and the Nova Scotia statute, to mining, manufacturing and construction.

Manitoba and Saskatchewan require by statute that a weekly day of rest shall be allowed to certain classes of workpeople in cities. In Manitoba, the law applies, with some exceptions, to manufacturing, laundries, dry-cleaning, etc., printing, construction, trucking and cartage, street railways, hotels and restaurants, and to the work of a municipal corporation or school board. The Saskatchewan statute covers all persons employed in a city, except such persons as watchmen, firemen, workers in hotels and restaurants where there are two or less in a class, part-time workers, nurses and a few others.

Ontario and Quebec have enacted laws for a weekly rest for persons employed in hotels and restaurants. Ontario restricts the law to cities of 10,000 or more. In Quebec, it applies to hotels, except in places of less than 3,000 people, to restaurants, and to clubs which admit persons who are not members. In the Quebec district, the inspector may permit two rest-periods of 18 consecutive hours each instead of one 24-hour period.

In Quebec, too, a Minimum Wage Order, applying to all industries within the scope of the Act, which are not covered by special orders, provides for a weekly rest of 24 hours. This provision, however, was suspended with respect to war industries on June 1, 1940.

HOLIDAYS WITH PAY

In Ontario and Saskatchewan, statutes of 1944 provide for annual holidays with pay; Ontario, for at least one week and Saskatchewan for two weeks. Both Acts relate to all employed persons except farm workers and domestic servants.

The Alberta Labour Welfare Act, 1943, empowers the administrative board to require an employer to give his workpeople, after one year's employment, one week's holidays, or for longer employment, up to two weeks.

13. EMPLOYMENT OFFICES AND UNEMPLOYMENT INSURANCE

The Parliament of Canada enacted in 1918 the Employment Offices Co-ordination Act and in 1940 the Unemployment Insurance Act. The latter provided for an employment service with regional and local offices for placing workers and performing duties in connection with insurance.

The 1918 statute, which was repealed by proclamation on January 19, 1943, provided for an Employment Service of Canada based on a co-operative scheme between the Dominion and the provinces. Local offices in some 60 cities and towns were set up and operated by the provinces but were linked together through two interprovincial clearing-houses established by the Dominion in Ottawa and Winnipeg for the exchange of information as to available jobs and available labour. The Dominion made an annual grant to the provinces of not more than $150,000, the distribution being made according to the provincial expenditure on employment offices.

An Employment and Social Insurance Act of 1935 was declared invalid by the Privy Council. On the amendment of the British North America Act in 1940 to empower the Dominion Parliament to enact laws relating to unemployment insurance, the present Act was passed. A Dominion system of employment offices is considered a necessary part of a satisfactory insurance scheme, partly to facilitate the checking and payment of insurance claims and partly to prevent unnecessary claims by bringing workers and jobs together as promptly as possible.

The Unemployment Insurance Commission, created in September, 1940, to administer the Act under the Minister of Labour, operates Regional Offices in Moncton, Montreal, Toronto, Winnipeg, and Vancouver, District Insurance Offices in North Bay, London, Saskatoon and Edmonton, and local offices in some 200 cities and towns. The provincial government offices were abolished or turned over to the Dominion except in Quebec where the province operates 12 employment offices.

The Unemployment Insurance Act now applies to all industries except agriculture and forestry, fishing, lumbering and logging (except in regions designated by the Commission and except saw-mills, etc., when reasonably continuous in their operation), hunting and trapping, transport by water or air, stevedoring, domestic service, hospital services not carried on for gain unless the employer contributes to the Fund with the approval of the Commission, nursing, teaching, the Defence Forces, police forces, and Dominion, provincial and municipal public services (except such public utilities as gas, electric, heat, light or power works and transport and communication services). Persons earning over $2,400 a year are also excluded unless they are hired at an hourly, daily or weekly rate or are paid piece rates or paid on a mileage basis. Casual workers and professional athletes are also outside the Act.

PRIVATE EMPLOYMENT OFFICES

Private employment offices operated for profit have been prohibited by law in many countries. Before the war, legislation in Alberta, British Columbia, Manitoba, Quebec and Saskatchewan prohibited the operation of private fee-charging employment agencies. In some cases, other private employment agencies are expressly permitted, such as those for teachers in Saskatchewan or those run by workers' organizations or charitable institutions in Quebec. In Nova Scotia, fee-charging agencies are prohibited but the Government has power to permit their operation on proclamation to that effect.

In 1943, New Brunswick enacted a statute like that of Nova Scotia. In the same year, Ordinances prohibiting the carrying on of any employment agency for fee or reward of any kind were made effective in the Yukon and Northwest Territories.

14. VOCATIONAL EDUCATION AND APPRENTICESHIP

Education is a subject expressly reserved to the provinces. To promote technical education, however, the Dominion has assisted the provincial Governments by giving financial aid on certain conditions.

In June, 1910, the Government appointed a Royal Commission on Industrial Training and Technical Education. Its report, presented to Parliament three years later, was made after an exhaustive inquiry into the subject, covering other countries as well as Canada. It

proposed that three million dollars be provided by Parliament annually for ten years. Seventy-five per cent of the appropriation was to go to the provinces on a per capita basis and 25 per cent to be retained by the Dominion for expenses of administration. In addition, it was urged that at least $350,000 should be made available to the provinces each year for ten years to encourage handwork, drawing, domestic service, etc., in elementary schools.

The Agricultural Instruction Act, 1913, and the Technical Education Act, 1919, were based on the principal recommendation of the Commission. The sum of ten million dollars was appropriated by each Act for grants to the provinces, the proportion to each province under the 1919 law being based on the number in the population, the amount not to exceed one-half of the approved expenditures under the Act.

By 1929, eight provinces had not earned their share of the appropriation under the 1919 Act and it was extended until 1934 and then to 1939. To Manitoba, the only province which had not used its share in 1939, the unexpended amount was made available until 1944 by an Act of that year and, later, continued until 1949.

In 1931, a Vocational Education Act was passed. It proposed to appropriate $750,000 a year for 15 years to be paid to the provinces to assist in promoting vocational education in accordance with agreements between the Dominion and the provinces. No agreements were made and the Act remained inoperative. It was repealed in 1942.

Unemployment among young persons in the thirties led to the setting aside, under the Dominion Unemployment and Agricultural Assistance Act, 1937, of one million dollars for the training of unemployed young people in accordance with plans submitted by the provincial governments. This action was recommended by the Youth Employment Committee of the National Employment Commission. Agreements with all provinces provided for training for industry, forestry, mining, agriculture and domestic service. Technical classes for apprentices and others for "learners" were held during an intensive training period of thirteen weeks. Training in agriculture was also given for periods ranging from two weeks to several months. This work was continued and expanded in 1938.

The Youth Training Act, 1939, made express provision for co-operative schemes between the Dominion and the provinces for the purposes set out in the Act. A Dominion Supervisor of Training was appointed. One and one-half million dollars was made available for three years, from March 31, 1940, to assist in training for gainful employment persons between 16 and 30 years of age who were unemployed, unable to pay, or their families unable to pay the full cost of training and who were certified as eligible by some public authority. No province could be granted more than the provincial expenditure for the purpose.

In 1942, the Vocational Training Co-ordination Act was passed. It is administered under the Minister of Labour by a Director of Training. A Vocational Training Advisory Council consists of not more than 17 members including an equal number of representatives of employers and workers. Regional Directors, who are in some cases provincial officers, act for the Director in the several provinces so that the general policy may be adapted to different conditions.

The 1942 Act authorizes co-operation with the provinces in providing any vocational training necessary for the conduct of the war, including training for war industries, tradesmen for the Armed Forces, rehabilitation training for persons discharged from the Forces who have been designated by the Minister of Pensions and National Health for such training, and training for persons whom the Unemployment Insurance Commission, under the Unemployment Insurance Act, has directed to attend a course of training. The cost of all this training is borne by the Dominion, except for certain local expenses.

Continuation of the projects carried on under the 1939 Act is also provided for. By agreement with the provinces, training schemes connected with the development of the natural resources of the province, apprentice training, and vocational education on the secondary school level may be assisted from the Dominion Treasury. In respect to these four types of training, the Dominion contributes to the cost on a fifty-fifty basis.

The conditions for financial assistance to the provinces for the training of apprentices were set out, in more detail, by an Order in Council of January, 1944. Ten-year agreements may be made with the provinces and the latter must enact legislation to regulate apprenticeship. The Dominion will contribute to the cost of pre-employment training for apprentices over 16 years of age, for full or part-time instruction in practical work and related technical subjects, and for indentured apprentices who are registered under the provisions of a provincial law concerning apprenticeship. For the apprentice-training of persons discharged from the Armed Forces who are approved for such training by the Minister of Veterans' Affairs, the Dominion bears the total cost.

PROVINCIAL APPRENTICESHIP LAWS

Following the passing of the Order in Council above referred to, the provinces of Alberta, Manitoba, New Brunswick, Prince Edward Island, Quebec, and Saskatchewan enacted Apprenticeship Acts. Ontario had had such a statute since 1928, British Columbia since 1936 and Nova Scotia since 1937. The latter Act and that of Prince Edward Island apply only to the building trades.

All provinces except Quebec have now made agreements with the Dominion for the development of apprenticeship. Standard provisions are incorporated in each agreement.

In Ontario, after the first few years, the number of apprentices fell off sharply and training classes were discontinued. In some trades classes were soon resumed and from 1939 on there was more activity. The British Columbia and Nova Scotia statutes had scarcely begun to operate when the war came.

Except in Quebec, the statutes provide for a provincial system of apprenticeship under a director with an advisory board or committee. They apply only to trades designated in the statute or by Order in Council. Most of the statutes permit trade committees to be set up to make, subject to approval by Order in Council, rules concerning apprenticeship in the trade, conditions of work, etc., and to supervise the scheme. General regulations are made by the advisory board.

The Quebec Act of 1945 is along different lines. It contemplates apprenticeship schemes planned and car-

ried out by local apprenticeship commissions which, on the petition of ten or more persons, may be incorporated for any trade by the provincial Government on the recommendation of the Minister of Labour. Any professional syndicate, any group, and any joint committee under the Collective Agreement Act may be a member of an apprenticeship commission. The Minister of Labour and the Provincial Secretary are *ex officio* members of every apprenticeship commission. A commission may contract with an apprentice for his training and no employer may hire an apprentice who has entered into a contract with a commission without the consent of the latter's officers. Agreements may be made with the Dominion Government for the training for employment of members of the Armed Forces.

15. UNIFORMITY OF PROVINCIAL LABOUR LAWS

Since 1873 when the Canadian Labour Union urged that uniform legislative standards in labour conditions should be established by the different provinces, the adoption of such a policy has been advocated from time to time.

In 1919, the Royal Comission on Industrial Relations suggested that a conference of Premiers or other members of the Governments of the provinces, together with representative labour men and representative employers should be called by the Dominion Government to secure concerted action on the part of provincial legislatures on any legislation proposed by the Commission which was not within the Dominion competence to enact. Recommendations of the Commission dealt with minimum wages, maximum hours, social insurance, the promotion of joint shop committees and industrial councils, freedom of association and collective bargaining.

From September 15-20, 1919, a National Industrial Conference of the Dominion and provincial Governments and representatives of employers and workers met in Ottawa. One of the recommendations of the Conference was that the attention of the Government of Canada and of the Governments of the provinces should be directed to the advantage of uniformity in provincial labour laws and, as a means to this end, the Conference suggested the appointment of a board composed, as respects the Dominion, of a Government representative and an employers' and workers' representative, together with similar representatives appointed by each province.

Instead of a permanent board, a Commission, along the lines laid down by the Conference, was appointed by concurrent action on the part of the federal Government and the Governments of the several provinces. Meeting in Ottawa from April 26 to May 1, 1920, the Commission adopted Resolutions advocating certain higher standards in each province with respect to workmen's compensation, factory legislation and mining laws, and approving the principle of a minimum wage for women and girls and a maximum work-week of 48 hours to be established by each provincial authority. As regards uniformity, the Commission reported as follows:

> "A further Committee was appointed to consider the question of the establishment of an organization deemed likely to be of benefit for the promotion of the uniformity of labour legislation. The Committee submitted a document as a basis of discussion and not as its findings, but owing to variance of opinion the whole matter was laid on the table."

In 1940, the Royal Comission on Dominion-Provincial Relations in its report stated—

> "We have already referred to the lack of uniformity in labour standards among the provinces, and have pointed out the undesirability of undue centralization of jurisdiction as a means of effecting uniformity. The alternative method is co-operation and agreement among the provinces on labour standards, but heretofore there has been no particular means for facilitating co-operation, and it has, therefore, been lacking. There is also lack of co-operation between the Dominion and the provinces in labour matters generally."

In addition, it was recommended that—

> "1. In order to protect the principle of freedom of trade between provinces and to facilitate the handling of relief for employables by the Dominion, the Dominion Parliament should have jurisdiction to establish basic minimum wages and maximum hours of labour, and to fix the age of employment, leaving to any province jurisdiction to raise minimum wages, lower hours of labour, or raise the age of employment if it so desires. But . . . the powers of Parliament should be precisely defined in order to protect the autonomy of the provinces.
>
> "2. In the case of industrial disputes, provinces should be empowered to delegate jurisdiction to the Dominion over any category of industrial disputes now within provincial jurisdiction.
>
> "3. The Dominion should be empowered to implement any labour conventions of the International Labour Organization. It should be understood, however, that we do not here make any recommendations with respect to treaties in general.
>
> "4. Frequent and regular conferences should be held between Dominion and provincial Departments of Labour".

CANADIAN ASSOCIATION OF ADMINISTRATORS OF LABOUR LEGISLATION

In 1938, following a discussion betwen representatives of the Dominion Department of Labour and the Departments of Labour of British Columbia, Ontario, Quebec and New Brunswick, an association was organized with the object of improving legislative and administrative standards and securing a greater measure of uniformity.

The Association includes in its membership the Dominion Department of Labour and every provincial department, board or commission administering any labour law. All provinces are members of the Association. Each provincial Government pays an annual fee of $25; the Dominion Department gives the services of a secretary-treasurer and bears the cost of reporting and distributing the proceedings of the annual conference. The last annual conference, the sixth, on May 3-5, 1943, was attended by 23 provincial representatives. No meeting was held in 1944 and that for 1945 has been postponed.

Since the 2nd meeting in 1939, the subjects placed on the conference agenda have been determined, to a large extent, by war conditions and progress in raising legislative standards had to be postponed. Nevertheless, some progress has been made. The conference discussions and the greater knowledge of legislation in other provinces and elsewhere which has

resulted from the meetings have promoted improvements here and there in administration and a tendency in the central and eastern provinces towards higher legal standards. As between the Dominion and the provinces, a much better understanding of the Dominion's wages stabilization policy has resulted; a co-operative scheme for inspection concerning the payment of wages was worked out; Dominion Government plants were opened to provincial factory inspectors; and the minimum-wage-fixing machinery of the provinces, which had almost ceased to function because of the limitations indirectly imposed by the Wages Control Order, was permitted to function again within certain limits.

The principle of a uniform minimum age for employment was approved by resolution of the Association in 1941 and the Secretary was instructed to prepare a memorandum on the subject. War conditions precluded any action for some time. In February, 1945, a draft Bill to fix a minimum age of 15 years for employment in industrial undertakings as set out in the revised International Labour Convention of 1937 on this subject was circulated among the Provinces as a basis for discussion and it was agreed to place the subject on the agenda of the 1945 Conference of the Association.

Prince Edward Island, however, enacted the Prince Edward Island Minimum Age in Industrial Undertakings (International Labour Convention) Act, 1945, giving effect to the Convention in all particulars, ~~except that during passage through the House an amendment was inserted to exempt employment during school holidays from the Act.~~

16. INTERNATIONAL LABOUR ORGANIZATION

Effect has been given by the Parliament of Canada to six Conventions of the International Labour Conference. These all relate to seamen. By amendments to the Canada Shipping Act in 1924, in effect on January 1, 1926, a minimum age of 14 was fixed for employment at sea and an unemployment indemnity was provided in case of loss or foundering of the ship. A medical examination of children and young persons was required before employment at sea and a minimum age of 18 was established for employment as trimmer or stoker. These Conventions were ratified on March 11, 1926. In 1933, a Convention requiring the marking of weights on heavy packages transported by vessels and in 1934 a Convention concerning seamen's articles of agreement were embodied in the Canada Shipping Act which was proclaimed in effect on August 1, 1936., and were ratified by the Government on June 13, 1938.

In 1935, three other Conventions were ratified. These were the Conventions limiting to eight a day and 48 a week the hours of work in industrial undertakings, providing for a weekly rest-day in industrial undertakings, and providing for the establishment of minimum wage-fixing machinery. Following their ratification, Parliament enacted three statutes giving effect to these Conventions. Later, the question of the validity of these statutes was referred to the Supreme Court of Canada. The question was decided by the Judicial Committee of the Privy Council on January 28, 1937. The Judicial Committee held that the federal Parliament had no power to legislate concerning these subjects.

The Convention concerning statistics of wages and hours in the principal mining and manufacturing industries and in agriculture is being carried out partly by the Dominion Department of Labour and partly by the Dominion Bureau of Statistics. A Convention concerning the protection against accidents of workers employed in loading and unloading ships has been put into effect by regulations under the Canada Shipping Act. Canada is now in a position to ratify these two Conventions.

Most of the International Labour Conventions relate to matters which fall within the legislative competence of the provincial legislatures. Such conventions can be ratified by the Government of Canada only when there is legislation giving effect to the conventions on the statute books of all provinces.

APPENDIX

SUMMARY OF PROVINCIAL LABOUR STANDARDS

1.—MINIMUM SCHOOL-LEAVING AGE

In all the provinces there is a compulsory school attendance law, but in all except British Columbia, exemptions are permitted for home duties, employment, or in case of illness, distance from school or lack of accommodation. Provisions as to exemption on the ground of poverty, home duties and need for employment are shown below. The laws place restrictions on employment of children of school age during the hours when they are required to attend school.

P.E.I.	N.S.	N.B.	Que.	Ont.	Man.	Sask.	Alta.	B.C.
15, unless has completed courses taught in nearest public school. Exemption: For poverty, and, except in Charlottetown and towns, attendance is compulsory only for 75% of term.	16, cities and towns, 14, elsewhere; unless 12 and through grade 9. 15 or 16 may be fixed locally. Exemption: (1) Poverty; (2) If 12 for not more than 6 weeks in year (*b*); (3) 13, with employment and medical certificates and attending night school.	14, unless has passed grade 8. 16, Campbellton. Exemption: Not more than 6 weeks in term (*b*).	14, unless has completed elementary school. Exemption: Not more than 6 weeks in year (*b*).	16, unless has matriculation or equivalent. Exemption: Under 14 for not more than 6 weeks in term (*b*); 14–16 if home or work permit granted. Home permit unnecessary in rural districts.	14, unless has completed public school. 15, may be fixed by district. 14–16, if not employed or occupied in home duties. Exemption: Over 12, not more than 6 weeks in term (*a*).	15, unless has passed grade 8. Exemption (*c*).	15, unless has passed grade 8 and no higher one in school district. Exemption: Not more than 6 weeks in term (*b*).	15, unless has completed course at nearest public school and transport to higher school not provided

(*a*) If services needed in husbandry or home duties.
(*b*) If services needed in husbandry, home duties, maintenance of self or others.
(*c*) If services needed for maintenance of self or others.

2.—MINIMUM AGE FOR EMPLOYMENT

The table given below shows only the minimum age for certain classes of establishments. In addition the Canada Shipping Act fixes a minimum of 14 for employment at sea. No minimum age has been established for employment in agriculture in Canada.

International Labour Conventions have established 14 as the minimum age in agriculture, 15 for employment at sea, in industrial undertakings and, with some exceptions, in non-industrial undertakings.

——	P.E.I.	N.S.	N.B.	Que.	Ont.	Man.	Sask.	Alta.	B.C.
MINES	.....	*Coal:* 16, above; 18 at working face (*c*). *Metal:* 16, above; 16, below.	— above 16, below	— above 15, below	16, above 18, below	16, above 18, below	*Coal:* 16 in workings. *Others:* 16, above; 18, below.	17, above 17, below	*Coal:* 16, above; 18, below. *Metal·* 15, above; 18, below.
FACTORIES	15(*f*)	14 except in canning season, July-Oct.	14(*a*) except with permit from Minister.	14(*a*) (*d*)	14(*e*)	15	14, boys 15, girls	15	15, except with permit from inspector
SHOPS	.....	.....	.....	As for factories	As for factories	15	.....	15 in towns of over 5,000	15(*b*) except with permit from Minister.

(*a*) The Government may exempt establishments from the Act.
(*b*) Such shops or stands for the sale of fresh fruits, vegetables, soft drinks, cut flowers and dairy products as are exempt from the "Shops Regulation and Weekly Half-holiday Act".
(*c*) 17½ under wartime regulations.
(*d*) 16 unless able to read and write fluently or attending night school.
(*e*) 16 from 8 a.m. to 5 p.m. except with permit.
(*f*) Except during school holidays.

3.—WEEKLY MINIMUM RATES FOR EXPERIENCED WORKERS UNDER MINIMUM WAGE ACTS

The table shows the minimum rates for full-time experienced workers. Orders also fix learners' rates. In Alberta and British Columbia there are two Minimum Wage Acts, one applying to men and the other to women workers. In the other provinces the Act applies to both male and female workers but in Nova Scotia where a Male Minimum Wage Act was passed in 1945 the proclamation bringing it into effect has not been issued, and in Ontario the only order applying to men is the textile order. In New Brunswick no orders applying throughout the province are in effect but orders apply to fish, fruit and vegetable canning and to the manufacture and repair of fish-canning equipment in the north-east part of the province. Other orders deal with the dairy products industry in and around Saint John, garage mechanics in Saint John and Fredericton and workers loading on ships lumber and pulpwood in certain counties.

Establishment	Sex	B.C.	Alta. (*e*)	Sask. (*b*) (*e*)	Man. (*e*)	Ont.	Que. (*f*)	N. S.
		$	$	$			cents per hr.	
Factories	F	14	15	16.80, cities and a 5-mile radius 14, towns and a 5-mile radius	Cities—30c. hr. or $14.40 wk. Rural—26c. hr. or $12.48 wk.	$12.50, Toronto. 11.50, towns of 50,000 and over. 11, pop. 5,000-50,000 10, elsewhere 12.50 textiles	26, Zone I 24, Zone II 22, Zone III 20, Zone IV (*c*)	$12, towns of 17,000 and over 11, other towns.
	M	40c. hr. (*a*)	20	As above	35c. hr.	16, textiles	As above	—
Shops	F	12.75	As in factories	As in factories	As in factories	12.50, Toronto 12, Ottawa, Hamilton, London, Windsor 11, pop. 10,000-50,000 10, pop. 4,000-10,000 9, pop. 1,000-4,000 8, rest of province	As in factories (*c*)	As in factories
	M	15	As in factories	As above	As in factories	—	As in factories	—
Offices	F	15	As in factories	As in factories	As in factories	As for shops	25, Zone I 22½, Zone II 20, Zone III 15, Zone IV	As in factories
	M	—	As in factories	As above	As in factories	—	As above	—

Hotels, Restaurants....	F	14	As in factories	As in factories	As in factories	26c. hr. in Toronto 25c. hr. in Ottawa, Hamilton, London, Windsor 22c. 10,000-50,000 pop. 20c. 4,000-10,000 pop.	Waiters, maids, elevator operators, etc., 20, Zone I; 16, Zone II; 13, Zone III; 10, Zone IV. Bellboys, doorkeepers 10, all zones (*d*).	As in factories
	M	—	As in factories			—		—

(*a*) Those over 21 in sawmills, woodworking and baking.

(*b*) Towns of Assiniboia, Biggar, Canora, Estevan, Gravelbourg, Humboldt, Indian Head, Kamsack, Lloydminster, Maple Creek, Melfort, Melville, Moosomin, Nipawin, Rosetown, Rosthern, Shaunavon, Tisdale, Watrous, Wilkie, Wynyard.

(*c*) At least 60% must receive above rates—Lower rates are fixed for 25% and not more than 15% of workers respectively. Special orders fix rates for some industries.

(*d*) Hotels with 50-100 rooms, Zone III and IV must pay rates for Zone II when the rooms are rented.

(*e*) Wherever the effect of these new Orders is to raise an hourly rate above 35 cents or to raise it to exceed any rate higher than 35 cents which was in effect on November 15, 1941, payment of the new rate must be approved by the Regional War Labour Board.

(*f*) Zone I—Montreal and district, Laprairie, Longueuil, St. Lambert, Laval-des-Rapides; Zone II—Quebec and district and towns over 10,000; Zone III—Terrebonne and towns 2,000—10,000; Zone IV—elsewhere.

4. MAXIMUM HOURS OF WORK IN MINES, FACTORIES AND SHOPS

Below are shown the maximum hours fixed by statute or under statutory authority for employment in mines, factories and shops, but not the restrictions imposed on some classes of factories and shops by orders in council under the Quebec Collective Agreement Act or the Industrial Standards Acts of Ontario, Saskatchewan and Alberta. Likewise omitted are two provisions relating solely to children: the eight-hour day in Nova Scotia shops for boys under 14 and girls under 16, and the eight hours for work below ground in Quebec mines for boys under 18.

Standards have been relaxed during the war but no statement can be made as to the extent.

——	Nova Scotia	New Brunswick	Quebec	Ontario(*e*)	Manitoba	Saskatchewan	Alberta	British Columbia
COAL MINES—								
Above	.....	.....	.....	.....	.....	8, unless agreed otherwise	8, 48	8
Below	8	8	.....	.....	.....		8	8
METAL MINES—								
Above	.....	.....	.....	.....	.....	.....	8, 48	8
Below	.....	8	.....	8 in Northern Ontario	.....	.....	8, 48	8
FACTORIES—								
Normal	.....	9, 54(*ac*)	10, 55(*a*)	8, 48	9, 48(*d*)	48(*a*)	8, 48	8, 48(*c*)
Emergencies(*c*)	12½, 72½(*a*)	.....	12, 65	.....	12, 54	12½, 72½	.....	.....
SHOPS	.....	.....	60(*b*)	8, 48	8, 48(*d*)	.....	As in factories	As in factories

(a) Females; also boys under 18 in N.B. and Quebec, and boys under 16 in Saskatchewan.

(b) Females and boys under 18 in towns of 10,000 or more.

(c) Establishments may be exempted from Act in N.B., Quebec, Alberta and B.C. Longer hours may be permitted in N.B. by Minister and by Inspector in other provinces except Alberta and B.C. where Board of Industrial Relations exercises this power. Where longer hours are permitted, limits in certain provinces are imposed as shown in table. Such extended hours are restricted to 36 days in a year, or, in Manitoba, 120 hours in a year, or in Quebec to six weeks at a time.

(d) Females and boys under 18 in factories and under 17 in shops.

(e) The Ontario Hours of Work and Vacations with Pay Act, 1944, effective July 1, 1944, provides for 8-hour day and 48-hour week and stipulates that these limits prevail over any statutory provision for longer hours but "war industries" may be exempt and permanent and temporary exemptions in other industries may be made by Industry and Labour Board. Under the hours provisions of the Factory, Shop and Office Building Act, which are unrepealed, hours of females and boys under 16 are restricted to 10 and 60 with provision for 12½ and 72½ on not more than 36 days in a year.

WORKMEN'S COMPENSATION

(a) Monthly Benefits to Dependants in Case of Death of Workman

Funeral	Widow or invalid widower	Children		Where only dependants are other than consort and child	Maximum
		With Parent	Orphans		
Nova Scotia					
$100	$40	Under 16, $10 each[1]	Under 16, $20 each. Maximum $80.[1]	As in N.B. Maximum to parent or parents $30. Maximum in all $45[2]	⅔ of earnings[3]
New Brunswick					
$100[4]	$40 plus sum of $100	Boys under 16, girls under 18, $10 each[1]	Boys under 16, girls under 18, $15 each[1]	Sum reasonable and in proportion to pecuniary loss[2]	⅔ of earnings[3]
Quebec					
$175	$40 plus sum of $100	Under 18, $10 each[1]	Under 18, $15 each[1]	As in N.B.....	⅔ of earnings[3] Min. $50 to consort and one child, $12.50 per week if more
Ontario					
$125[4]	$45 plus sum of $100	Under 16, $10 each[1]	Under 16, $15 each[1]	As in N.B.....	⅔ of earnings[3] Min. to consort $45 or earnings of workman if less. With one child $55. $10 to each additional child up to $55 or earnings if greater.
Manitoba					
$150	$45 plus sum of $100	Under 16, eldest $12, 2nd $10, 3rd $9, others $8 each[1]	As in Ontario.....	As in N.B. Max. $20 each. Max. in all $40[2]	As in Que[3] but min. $12.50 per week if one child; $15 if more.
Saskatchewan					
$125	As in Quebec.....	Under 16, $12 each[1]...	Under 16, $20 each[1]...	As in N.B.....	Average earnings but min. $12.50 per week where dependents are widow or invalid widower and one or more children.[3]
Alberta					
$125	$40 plus sum of $100..	Under 18, $12[1].....	Under 18, $20[1].....	As in N.B. Max. to parent or parents $35. Max. in all $70.[2]	
British Columbia					
$125[4]	$40 plus sum of $100..	Under 16, $10 each,[1] if attending school $12.50 between 16 and 18 years.	Under 18, $20 each[1], $17.50 if able to attend school between 16 and 18 years and not attending. Max. in all $80[5].	(*a*) As in N.B. Max. $40 to parent or parents. Max. in all $55. (*b*) If there is widow or invalid widower or orphans, max. to parent or parents $40[2].	$80[5].

1. In Manitoba, Ontario and Saskatchewan payments to children may be made up to 18 years if desirable to continue education. In Alberta, New Brunswick, Nova Scotia, Ontario, Quebec and Saskatchewan payments to invalid children are continued so long as Board considers workman would have contributed to support. In British Columbia and Manitoba, payments are continued until recovery.
2. In all provinces compensation in these cases is continued only so long as Board considers workman would have contributed to support.
3. For maximum earnings that may be reckoned, see Table 2, Column 5.
4. For cost of transporting body from place of death to place of interment, $125 may be paid in Ontario and in New Brunswick, and in British Columbia $100 may be paid for transportation to a point within the province. In Manitoba $100 may be paid for transportation.
5. Where there is an accumulation in reserve because of lower payments to dependents in foreign countries, this maximum is not to apply.

WORKMEN'S COMPENSATION—*Continued*

(*b*) Benefits in Case of Disability

Permanent		Temporary		Maximum Earnings Reckoned
Total	Partial	Total	Partial	
Nova Scotia				
$\frac{2}{3}$ of earnings Min. $12.50 per week or earnings if less.	$\frac{2}{3}$ of difference in earnings before and after accident. If no difference may be lump sum.	$\frac{2}{3}$ of earnings for duration. Min. $12.50 per week or earnings if less.	$\frac{2}{3}$ of difference in earnings before and after accident for duration. If no difference may be lump sum.	$2,000 per an.
New Brunswick				
Average earnings but not in excess of $\frac{2}{3}$ of $2,000.	Amount determined by Board. Lump sum may be given.	$\frac{2}{3}$ of earnings for duration. Min. $8 per week or earnings if less.	If earnings diminished by more than 10%, $\frac{2}{3}$ difference in earnings before and after accident for duration.	$2,000 per an.
Quebec				
$\frac{2}{3}$ of earnings. Min. $15 per week or earnings if less.	$\frac{2}{3}$ of difference in earnings before and after accident. Min. as in total disability in proportion to disability. If diminished 10% or less lump sum may be given.	$\frac{2}{3}$ of earnings for duration. Min. $15 per week or earnings if less.	$\frac{2}{3}$ of difference in earnings before and after accident for duration. Min. as in total disability in proportion to disability. If diminished 10% or less lump sum may be given.	$2,000 per an.
Ontario				
As in Nova Scotia....	Based on impaired earning capacity estimated from nature and degree of injury. If more equitable, $\frac{2}{3}$ of diminution of earnings. Min. as in total disability in proportion to disability. If diminished 10% or less lump sum may be given.	As in Nova Scotia....	Based on impaired earning capacity estimated from nature and degree of injury. If more equitable, $\frac{2}{3}$ of diminution of earnings for duration. Min. as in total disability in proportion to disability. If diminished 10% or less lump sum may be given.	$2,500 per an.
Manitoba				
As in Quebec.....	As in Quebec.....	As in Nova Scotia....	As in Quebec.....	$2,000 per an.
Saskatchewan				
75% of earnings. Min. $15 per wk. or earnings if less.	75% of difference in earnings before and after accident. Min. as in total disability in proportion to disability. If diminished 10% or less lump sum may be given.	75% of earnings for duration. Min. $15 per wk. or earnings if less.	75% of difference in earnings before and after accident for duration. Min. as in total disability in proportion to disability. If diminished 10% or less lump sum may be given.	$2,500 per an.

WORKMEN'S COMPENSATION—*Continued*

Permanent		Temporary		Maximum Earnings Reckoned
Total	Partial	Total	Partial	
		ALBERTA		
As in Nova Scotia....	Based on impaired earning capacity—if diminished 10% or less lump sum may be given.	$\frac{2}{3}$ of earnings for duration.	Based on impaired earning capacity.	$2,000 per an.
		BRITISH COLUMBIA		
As in Nova Scotia....	$\frac{2}{3}$ of diminution of earnings or may be based on impaired earning capacity. If earnings not substantially less lump sum may be given.	As in Nova Scotia.....	$\frac{2}{3}$ of diminution of earnings or may be based on impairment of earning capacity.	$2,500 per an.